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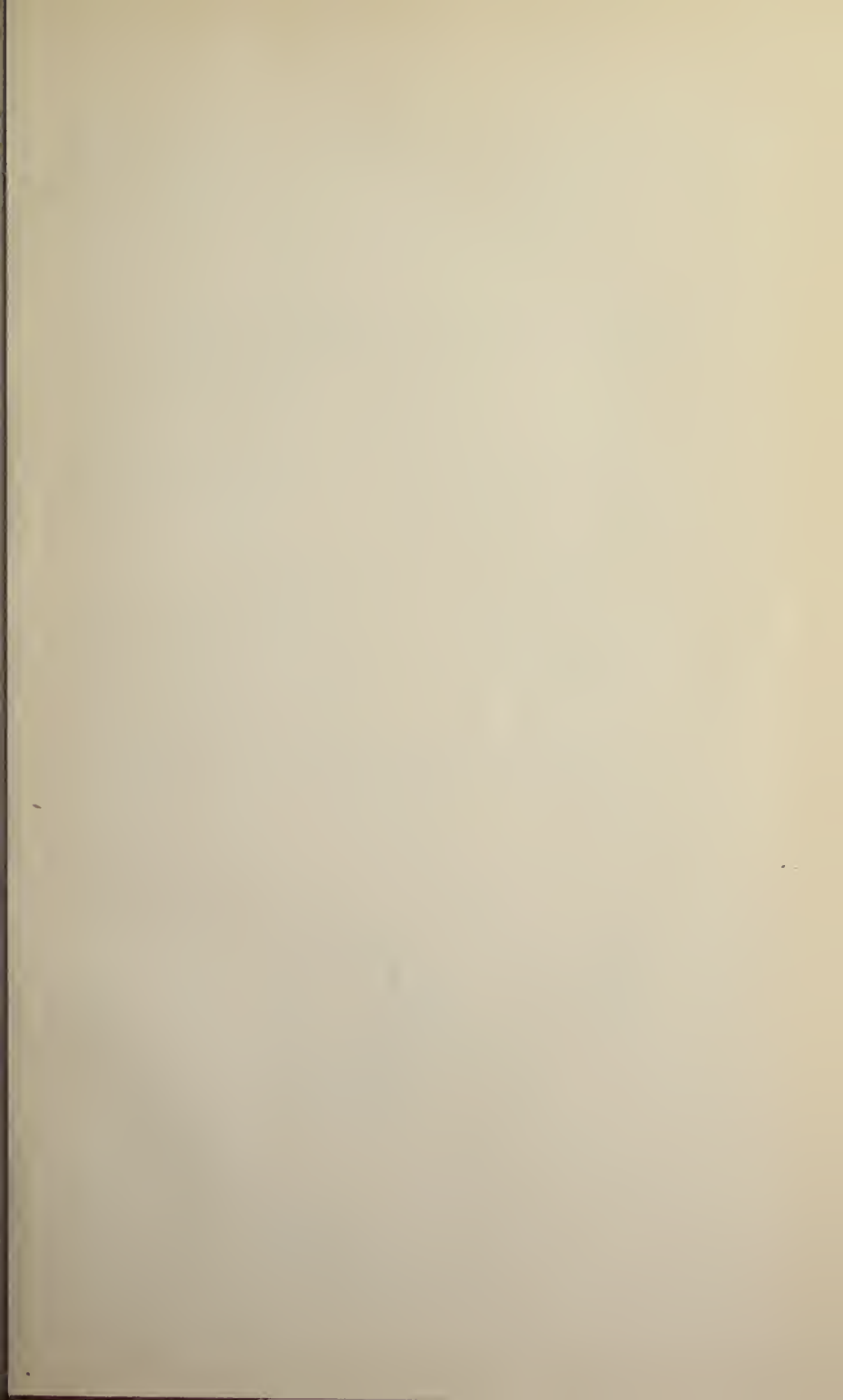
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# Journal of the Senate

DURING THE

FIFTY-SECOND (EXTRAORDINARY) SESSION

OF THE

Legislature of the State of California


1938

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BEGAN ON MONDAY, MARCH SEVENTH, AND  
ENDED ON SATURDAY, MARCH TWELFTH



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# CALIFORNIA LEGISLATURE

FIFTY-SECOND (EXTRAORDINARY) SESSION

## IN SENATE

SENATE CHAMBER,  
SACRAMENTO, Monday, March 7, 1938.

The Senate met at one o'clock p.m., pursuant to the provisions of the proclamation of His Excellency Frank F. Merriam, Governor of the State of California, dated March 5, 1938, convening the Legislature of the State of California on this day in extraordinary session.

Lieutenant Governor George J. Hatfield, President of the Senate of the fifty-second session, in the chair, called the Senate to order.

Pursuant to the provisions of section 237 of the Political Code, Joseph A. Beek, Secretary of the Senate, Ellsworth W. Scammon, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms, were present, and occupied their respective positions.

The roll was called, and the following Senators answered to their names:

### Roll Call.

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—36.

### Leaves of Absence.

Senator Hays was, on motion of Senator Rich, granted leave of absence for this day.

Senator Westover was, on motion of Senator Knowland, granted leave of absence for this day.

### Prayer.

By invitation of the President, prayer was offered by the Rev. Clarence A. Kireher, Chaplain of the Senate of the fifty-second session.

### Proclamation of the Governor.

The President of the Senate directed the Secretary of the Senate to read the proclamation of the Governor convening the Legislature in extraordinary session.

Whereupon the Secretary read the following proclamation:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

#### Proclamation by the Governor Convening the Legislature in Extraordinary Session.

WHEREAS, An extraordinary occasion has arisen and now exists, requiring that the Legislature of the State of California be convened; now, therefore,

I, FRANK F. MERRIAM, Governor of the State of California, by virtue of the power and authority in me vested by section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session, at Sacramento, California, on Monday, the seventh day of March, one thousand nine hundred thirty-eight, at one o'clock p.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon an act relating to lands owned by the State, creating a State Lands Commission and prescribing its duties and powers with respect

to such lands, and particularly the protection and extraction of oil and gas deposits and other minerals from such lands of the State.

2. To consider and act upon an act to create public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income, and to prescribe the powers and duties of such housing authorities.

3. To consider and act upon an act declaring slum clearance and housing projects to be public uses in behalf of which the right of eminent domain may be exercised.

4. To consider and act upon an act to authorize cities, cities and counties, towns, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, cities and counties, towns, counties and other political subdivisions to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities, cities and counties, and counties to make an appropriation for the first year's administrative expenses of housing authorities; and to authorize certain cities, cities and counties, towns and counties to pay moneys to housing authorities.

5. To consider and act upon an act to exempt the property and bonds of housing authorities from taxation and assessments and to authorize certain payments in lieu of such taxes and assessments.

6. To consider and act upon an act to amend Chapter 754 of the Statutes of 1933 relating to the institution and enforcement of agricultural proration programs.

7. To consider and act upon an act providing for the establishment and enforcement of personnel standards for the personnel of the counties engaged in the administration of aid to the needy aged, aid to the needy blind, and aid to needy children.

8. To consider and act upon an act to enable building and loan associations to obtain all of the advantages permitted by the National Housing Act by defining, extending and providing for the loans, advances of credit, insurance, and purchases of obligations which may be made pursuant to the National Housing Act.

9. To consider and act upon the proposal to the people of the State of California at the general election in November, 1938, of an amendment to the Constitution of the State of California relating to the retirement of judges and justices.

10. To consider an act upon an act to prescribe the fees of jurors in criminal cases in municipal courts.

11. To consider and act upon an act to add to the State highway system a new secondary highway to be known as Route 208 from Route 1 near Preston to the Geysers.

12. To consider and act upon an act to set up a procedure to determine the validity of tax sales and tax deeds and the taxes for any year since a tax sale and, if invalid, to correct the causes of invalidity and render the sales and deeds valid, and stating the powers and duties of public officers in relation to tax sales, tax deeds, and redemptions.

13. To consider an act upon an act to amend sections 1, 2, 12, 17, and 20 of the Refunding Assessment Bond Act of 1935, relating to refunding the indebtedness of special improvement districts, and to validate refunding proceedings heretofore taken, refunding assessments heretofore levied, and refunding bonds heretofore issued under such act.

14. To consider and act upon an act to amend sections 1, 2, 12, and 15 of the Assessment Bond Refunding Act of 1933, relating to refunding the indebtedness of special improvement districts, and to validate refunding proceedings heretofore taken, refunding reassessments heretofore levied, and refunding bonds heretofore issued under such act.

15. To consider an act upon legislation concerning the taxation of insurers to carry into effect the constitutional amendment relating thereto.

16. To consider and act upon an amendment to the Constitution of the State, for proposal to the people at the general election to be held in November, 1938, providing for taxation of insurers.

17. To consider an act upon an act to authorize the California Commission for the Golden Gate International Exposition to procure insurance.

18. To consider an act upon an act to provide for the establishment and maintenance of portions of the State exhibit in connection with the Golden Gate International Exposition upon property of district agricultural associations, to authorize contracts between the California Commission for the Golden Gate Exposition, any institution, corporation or association, and district agricultural associations, and to permit, for that purpose, allocation of funds heretofore appropriated.

19. To consider and act upon an act to empower district agricultural associations to lease, let, or grant licenses to use, property of the association, to contract with corporations or associations, or with State agencies, for the conduct of exhibitions and contests upon such property, and to provide for the manner of conducting such exhibitions or contests.

20. To consider and act upon an amendment to the Constitution of the State, for proposal to the people at the general election to be held in November, 1938, transferring to the Department of Social Welfare all duties, powers, purposes, responsibilities, property, unexpended moneys, and jurisdiction of the Relief Administration, including the Relief Commission and the Relief Administrator; abolishing the Relief Administration, the Relief Commission, the office of the Relief Administrator, and the offices and positions of all deputies, officers, and employees of or under any of them; and providing for the retention in State service, subject to the civil service laws and on terms and conditions prescribed, of salaried officers and employees holding positions abolished thereby.

21. To consider and act upon legislation providing for the payment of delinquent taxes in installments and for redemption with reduction in or elimination of penalties in respect to delinquent State and county taxes and assessments on real estate.

22. To consider and act upon an act relating to apportionment of moneys, otherwise appropriated, to counties and district agricultural associations for the encouragement of agricultural fairs, and the expenditure of and accounting for such moneys.

23. To consider and act upon an act to provide for the annexation of uninhabited territory to municipal corporations.

24. To consider and act upon an act to validate bonds of all school districts, high school districts and junior college districts of every kind and character.

25. To consider and act upon an act to validate bonds of municipal corporations.

26. To approve or reject amendments to the charter of the city of San Jose ratified by the electors of that city at an election held on October 19, 1937.

27. To approve or reject an amendment to the charter of the City and County of San Francisco ratified by the electors of that city and county at an election held on November 2, 1937.

28. To approve or reject amendments to the charter of the county of San Mateo ratified by the electors of that county at an election held on June 22, 1937.

29. To approve or reject amendments to the charter of the city of Santa Monica ratified by the electors of that city at an election held on December 7, 1937.

30. To consider and act upon an act to appropriate additional moneys in the sum of three million dollars to the emergency fund created by Chapter 157 of the Statutes of 1937.

31. To consider and act upon an act to appropriate additional moneys in the sum of four million nine hundred thousand dollars for expenditure during the eighty-ninth and ninetieth fiscal years for the relief of hardship and destitution due to and caused by unemployment, as provided by the California Unemployment Relief Act of 1935.

32. To consider and act upon a joint resolution relating to the acceptance of a permit from the United States Government for rights of way through the Presidio of San Francisco for the construction of a portion of a State highway, and relating to the retrocession by the Congress of the United States of jurisdiction over the rights of way.

33. To consider and act upon an act to clarify the status and define the rights of retired and active employees of the University of California with respect to the State Employees' Retirement System.

34. To consider and act upon an act to appropriate, from moneys received under the Use Fuel Tax Act of 1937, moneys for the administration of said act and for the repair, reconstruction of, or additions to, those bridges on State highways which have been posted for less than legal speeds or weights.

35. To consider and act upon an act regulating the issuance and redemption of bonds and fixing of tolls by the California Toll Bridge Authority in connection with the San Francisco-Oakland Bay Bridge; and, in the event of insufficiency of revenues therefor, making an annual appropriation of money from that portion of the State highway fund available for State highway purposes in the northern California counties, to guarantee redemption of such bonds.

36. To approve or reject amendments to the charter of the city of Alhambra ratified by the electors of that city at an election held on the 8th day of June, 1937.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this fifth day of March in the year of our Lord one thousand nine hundred thirty-eight.

FRANK F. MERRIAM,  
Governor of California

ATTEST:

FRANK C. JORDAN,  
Secretary of State.

By CHAS. J. HAGERTY,  
Deputy Secretary of State.



### Introduction, First Reading and Reference of Bills.

The following concurrent resolution was introduced:

**Senate Concurrent Resolution No. 1:** By Senator Olson—Relative to the respect and esteem of the Legislature for the late Senator Harry A. Chamberlin.

### Consideration of Senate Concurrent Resolution No. 1.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 1, without reference to committee, for purpose of adoption.

#### Senate Concurrent Resolution No. 1.

Relative to the respect and esteem of the Legislature for the late Senator Harry A. Chamberlin.

WHEREAS, The members of the Legislature have learned with profound regret of the death of former Senator Harry A. Chamberlin who, on February 23, 1935, passed from among us; and

WHEREAS, Senator Chamberlin was a patriotic and distinguished citizen of the State of California, an aggressive and competent member of the legal profession and one who battled fearlessly for those causes which appealed to him to be worthy; and

WHEREAS, Senator Chamberlin served in the Assembly of the State of California in the year 1915 and was elected to the Senate the following year, serving continuously for 12 years as Senator from Los Angeles County; and

WHEREAS, An All-Wise Providence saw fit to remove Senator Chamberlin at the prime of life, during a period of productiveness and efficient labors on his part; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring.* That the Legislature deeply deplores the passing of Senator Chamberlin and tenders to his family this expression of the friendliness and high esteem which the members of the Legislature had for him; and be it further

*Resolved,* That when the Legislature adjourns at the end of this special session it do so out of respect to the memory of the late Harry A. Chamberlin; and be it further

*Resolved,* That the Secretary of the Senate is directed to have copies of this resolution suitably engrossed and to present the same to members of Senator Chamberlin's family.

Resolution read, and unanimously adopted by a rising vote of the Senate.

Senate Concurrent Resolution No. 1 ordered transmitted to the Assembly.

### Resolutions.

The following resolutions were offered:

By Senator Schottky:

*Resolved,* That the Senate do now organize and proceed to elect the officers and employees of the Senate for this extra session.

Resolution read and adopted.

By Senator Swing:

*Resolved,* That Senator William P. Rich be and he is hereby elected President pro tempore of the Senate; that Joseph A. Beck be and he is hereby elected Secretary of the Senate; that Joseph F. Nolan be and he is hereby elected Sergeant-at-Arms of the Senate; that E. W. Scammon be and he is hereby elected Minute Clerk of the Senate; that Rev. Clarence A. Kircher be and he is hereby elected Chaplain of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Delap, Duel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride,

McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagye, and Young—36.

NOES—None.

### Oath of Office Administered.

The newly elected officers of the Senate, Senator William P. Rich, President pro tempore; Joseph A. Beek, Secretary; Joseph F. Nolan, Sergeant-at-Arms; Ellsworth W. Seammon, Minute Clerk; and Rev. Clarence A. Kircher, Chaplain, appeared at the bar of the Senate where the Constitutional oath of office was administered to them by the Honorable John F. Pullen, Presiding Justice, Third District Court of Appeal, and they subscribed to the same.

### Resolution.

The following resolution was offered:

By Senator Rich:

*Resolved by the Senate of the State of California*, That the Standing Rules of the Senate at the fifty-second session as they appear in the official Handbook of the Legislature of the fifty-second session, be and the same are hereby adopted as the Rules of the Senate for this special session, except that Rules 21 and 24 be stricken out and that Rules 8, 25 and 51 be amended to read as follows:

8. The standing committees of the fifty-second regular session shall be the standing committees of this extra session.

25. The Committee on Rules shall constitute a standing Committee on Introduction of Bills. No bill or resolution, except resolutions relating to routine business of the Senate, shall be introduced or considered by the Senate until it shall have been referred to and considered and acted upon by the Committee on Rules. All requests for leave to introduce bills or resolutions shall be sent to the desk in writing, under the order of "Introduction of Bills." The request shall give the title of the bill or resolution and shall be accompanied by the same. It shall thereupon be referred to the Committee on Rules.

51. Any motion to reconsider any vote taken by the Senate during this special session, shall be made and considered on the day on which such vote was taken unless otherwise ordered by the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagye, and Young—36.

NOES—None.

### Appointment of Committee Chairmen.

The President announced the vacancy of two committee chairmanships caused by the death of Senator Keough and the resignation of Senator Williams.

Whereupon he announced the appointment of Senator Metzger as chairman of the Committee on Engrossment, Enrollment and Printing, and the appointment of Senator Parkman as chairman of the Committee on Insurance.

### Resolution.

The following resolution was offered:

By Senator Slater:

*Resolved*, That the President of the Senate appoint a Special Committee of three Senators to notify the Governor of the organization of the Senate and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and adopted.

### Appointment of Special Committee.

In accordance with the above resolution, the President announced the appointment of Senators Slater, Rich, and Olson, as the Special Committee to call upon the Governor, and notify him of the organization of the Senate, and its readiness to receive his communications, also to act as a Special Committee to escort the Governor to the Assembly for the purpose of meeting with the Assembly in Joint Convention.

### Resolution.

The following resolution was offered:

By Senator Seawell:

*Resolved*, That the President of the Senate appoint a Special Committee of three Senators to notify the Assembly of the organization of the Senate, and that the Senate is now duly organized and is ready to receive any communication it may have to make.

Resolution read, and adopted.

### Appointment of Special Committee.

In accordance with the above resolution, the President announced the appointment of Senators McBride, Phillips, and Nielsen as the Special Committee to Notify the Assembly of the organization of the Senate, and that it is now ready to receive any communication which it may have to make.

### Report of Committee from the Assembly.

At one o'clock and thirty minutes p.m., a committee from the Assembly, consisting of Messrs. King, Lyon and Maloney, appeared at the bar of the Senate and announced that the Assembly had convened, and was now ready to proceed with the business of the State.

### Resolutions.

The following resolutions were offered:

By Senator Powers:

*Resolved*, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate elected the following statutory officers:

<i>President pro tempore</i> -----	William P. Rich
<i>Secretary of the Senate</i> -----	Joseph A. Beck
<i>Sergeant-at-Arms</i> -----	Joseph F. Nolan
<i>Minute Clerk</i> -----	Ellsworth W. Scammon
<i>Chaplain</i> -----	Rev. Clarence A. Kircher

Resolution read, and adopted.

By Committee on Contingent Expenses:

*Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law.

Senators	County	Mileage	Total at five cents per mile
Allen, James M.	Siskiyou	590	\$29 50
Biggar, George M.	Mendocino	468	23 40
Crittenden, Bradford S.	San Joaquin	98	4 90
Cunningham, R. R.	Kings	428	21 40
DeLap, T. H.	Contra Costa	160	8 00
Deuel, Charles H.	Butte	228	11 40
Fletcher, Ed.	San Diego	1,146	57 30
Garrison, J. C.	Stanislaus	164	8 20
Gordon, Frank L.	Napa	110	5 50
Hays, Ray W.	Fresno	338	16 90
Hollister, J. James	Santa Barbara	854	42 70
Holohan, James B.	Santa Cruz	396	19 80
Jespersen, Chris N.	San Luis Obispo	666	33 30
Keating, Thomas F.	Marin	210	10 50
Knowland, W. F.	Alameda	178	8 90
Law, Edward H.	Imperial	1,322	66 10
McBride, James J.	Ventura	980	49 00
McColl, John B.	Shasta	342	17 10
McCormack, Thomas	Solano	124	6 20
McGovern, Walter	San Francisco	180	9 00
Metzger, D. Jack	Tahama	286	14 30
Mixter, Frank M.	Tulare	432	21 60
Nielsen, Roy L.	Sacramento	2	10
Olson, Culbert L.	Los Angeles	894	44 70
Parkman, Harry L.	San Mateo	238	11 90
Phillips, John	Riverside	1,094	54 70
Pierovich, A. L.	Amador	118	5 90
Powers, Harold J.	Modoc	832	41 60
Quinn, Irwin T.	Humboldt	624	31 20
Rich, W. P.	Yuba	104	5 20
Schottky, Andrew R.	Merced	222	11 10
Seawell, Jerrold L.	Placer	108	5 40
Slater, Herbert W.	Sonoma	180	9 00
Swing, Ralph E.	San Bernardino	1,016	50 80
Tickle, Edward H.	Monterey	474	23 70
Wagy, J. I.	Kern	556	27 80
Westover, Harry C.	Orange	962	48 10
Young, Sanborn	Santa Clara	278	13 90

Officers	County	Mileage	Total at ten cents per mile
Harfield, George J., President	San Francisco	180	\$18 00
Beek, Joseph A., Secretary	Orange	990	99 00
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	894	89 40
Scammon, E. W.	Lassen	566	56 60

RICH, Chairman.  
LAW.  
McCORMACK.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, and Young—33.

NOES—None.

By Senator Mixter:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized and directed to receipt to the Controller for warrants for members and officers of the Senate.

Resolution read, and adopted.

By Senator Slater:

WHEREAS, Since adjournment of the last session of the Senate the members hereof have been shocked and grieved to learn of the passing of Senator Karl P. Keough of the Twenty-Eighth Senatorial District; and

WHEREAS, Senator Keough since his election to the Senate in 1934 had endeared himself to his fellow Senators by his kindly nature, good will and charitable attitude; and



WHEREAS, Senator Keough was an honest public servant earnestly seeking at all times to be of service to his fellow man and a special friend of those who, in his judgment, were under-privileged or unfortunate; and

WHEREAS, Senator Keough's jovial nature, his sense of humor and his uniform generosity won for him the affection of all who knew him; now, therefore, be it

*Resolved*, That the Senate regrets with deepest sorrow the passing of this member and extends its heartfelt sympathy to the members of his family upon their loss; and be it further

*Resolved*, That when the Senate adjourns this day it do so out of respect to the late Senator Karl P. Keough; and be it further

*Resolved*, That the Secretary of the Senate be and he is hereby directed to have copies of this resolution suitably engrossed and present the same to the members of Senator Keough's family.

Resolution read, and unanimously adopted by a rising vote of the Senate.

By Senator Tickle:

*Resolved*, That the following named persons be and they are hereby appointed to the respective positions hereinafter set forth as provided by law, with the compensation set opposite their names, and the Controller is hereby directed to draw his warrants for the said respective amounts, and the Treasurer is directed to pay the same:

	<i>Per day</i>
Robert G. Alderman, Engrossing and Enrolling Clerk-----	\$7 00
Maitland Pennington, Assistant Secretary-----	7 00
Alfred Blatz, Assistant Secretary-----	7 00
Harry Jordan, Bookkeeper to Sergeant-at-Arms-----	5 00
Margaret Douville, Stenographer-----	5 00
Florence I. Mason, Stenographer-----	5 00
Flora Gilliam, Stenographer-----	5 00
Noma Browning, Stenographer-----	5 00
Frances Callicotte, Stenographer-----	5 00
Helen Melhorn, Stenographer-----	5 00
Charles Jackson, Assistant Sergeant-at-Arms-----	5 00
A. J. Gormley, Stenographer-----	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote.

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—36.

NOES—None.

### Recess.

On motion of Senator Rich, at one o'clock and fifty-five minutes p.m., the President of the Senate declared recess for the purpose of meeting with the Assembly in Joint Convention.

## IN JOINT CONVENTION.

ASSEMBLY CHAMBER.

SACRAMENTO, Monday, March 7, 1938.

At two o'clock and five minutes p.m., the Senate and Assembly met in Joint Convention for the purpose of receiving the message of Governor Frank F. Merriam.

Hon. William Moseley Jones, Speaker of the Assembly, directed that Lieutenant Governor George J. Hatfield, President of the Senate, be escorted to the platform.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators.

**Senate Roll Call.**

The roll was called, and the following members of the Senate answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Holohon, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rieh, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—36.

The President of the Senate declared a quorum of the Senate present.

Hon. William Moseley Jones, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of members of the Assembly.

**Assembly Roll Call.**

The roll was called, and the following members of the Assembly answered to their names:

Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Field, Flint, Füleher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor, Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Redwine, Riehie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—74.

The Speaker of the Assembly declared a quorum of the Assembly present.

**Resolution.**

The following resolution was offered:

By Mr. McMurray:

**House Resolution No. 5.**

*Resolved by the Assembly of the State of California*, That a Special Committee of five be appointed by the Speaker to act with a like committee from the Senate, to wait upon His Excellency the Governor, and inform him that the two houses of the Legislature are in session and in readiness to receive any communication which he may have to make.

House Resolution No. 5 read and adopted.

**Appointment of Special Committee.**

In accordance with the above resolution, the Speaker of the Assembly announced the appointment of Messrs. McMurray, Levey, Patterson, Cottrell and Rosenthal.

**Resolution.**

The following resolution was offered:

By Senator Swing:

*Resolved by the Senate of the State of California*, That a Special Committee of five be appointed by the President to act with a like committee from the Assembly, to wait upon His Excellency the Governor and inform him that the two houses of the Legislature are in session and in readiness to receive any communication which he may have to make.

Resolution read and adopted.

**Appointment of Special Committee.**

In accordance with the above resolution, the President of the Senate announced the appointment of Senators Swing, Garrison, Tickle, Jespersen and Young.

### Committee of Escort.

The Joint Committee of Escort, consisting of Senators Swing, Young, Garrison, Tickle and Jespersen, and Assemblymen McMurray, Levey, Patterson, Cottrell and Rosenthal, appointed to wait upon His Excellency Governor Frank F. Merriam to inform him that the Joint Convention was now in session, and to escort him to the convention, appeared at the bar of the House and announced the presence of His Excellency, Frank F. Merriam, Governor of the State of California.

### Presentation of Governor Frank F. Merriam.

Hon. William Moseley Jones, Speaker of the Assembly, then presented Governor Frank F. Merriam to the Joint Convention. The Governor then delivered his message as follows:

### Governor's Message to Legislators.

Special Session Legislature, March 7, 1938.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.  
March 7, 1938.

*To the Members of the California Assembly and Senate:*

GREETINGS: Conditions immediately affecting the welfare of the people of California have arisen since the regular legislative session of 1937 and, because of their important and pressing nature, I have called you in special or extraordinary session.

None of the matters which I shall submit for your consideration involves any partisan or political issue. It has been my endeavor to bring before you only matters of a necessary and desirable character; only such questions as seem to be outside the possibility of serious controversy.

Should it be found, during your subsequent deliberations, that formidable and perplexing differences of opinion or policy arise on matters which may, without serious jeopardy to public interest, be considered at the regular session in 1939, I shall ask you to ignore any except the most vital problems submitted to you.

### Mineral Leasing Act.

Of great importance is the proposed legislation for the conservation and protection of the State's publicly owned oil deposits generally, and more particularly in the recently discovered oil field bordering the Los Angeles-Long Beach harbors. Considerable conflict of interest among public and private interests has developed there, as well as contested ownerships, and specific legislation is needed to protect the rights of the State and other public institutions.

Court cases to determine the claims of the State and various other parties with respect to oil and gas deposits have been instituted by the Attorney General. However, the determination of the courts with respect to these questions will not solve our problem. You recall the Legislature, by an act in 1929, prohibited the State from taking necessary measures to protect the oil and gas deposits of the State in tide and submerged lands. It is necessary and desirable to thus modify this prohibition, at least in part, whereby the valuable oil and gas deposits of the State may be protected from drainage, and to generally revise the laws relating to public lands and the administration thereof.

It is hoped that all groups concerned can agree upon a measure equitable in its application to the rights and interests of each of the parties involved.

### Housing Bills.

Your approval of legislation permitting California to participate in the Federal Government's low-cost housing construction program is recommended. This legislation was approved by the Legislature in 1937, but in the absence of any corresponding enactments by the National Congress at that time, and in the event of unforeseen eventualities, was not given approval. The program of Federal Government, which in 1937 had not been clearly defined, has now been established and your favorable action on this matter will provide opportunity for California citizens of modest means to avail themselves of an opportunity to enjoy housing accommodations appropriate to their needs and financial resources. The four proposed measures recommended for your approval meet the requirements and are satisfactory to those in charge of the Federal Government's program.

### Social Welfare and Relief.

Due to the fact that the Attorney General has held that legislation enacted at the 1937 session for the merging of the Department of Social Welfare and the



Department of Relief does not meet the requirements of the State Constitution. I am recommending that this proposal be submitted to the people in the form of a Constitutional Amendment. For your information I may say that some of the desirable results sought under the 1937 Act have been accomplished by naming the same personnel to administer the functions and powers of the respective departments.

At the request of Federal authorities I am recommending enactment of legislation providing for the establishment of personnel standards in State departments having management of the joint Federal and State funds allocated for the aid of the needy aged, the needy blind, and needy children. The standards sought to be established harmonize with standards established in other States by Federal policy.

#### Annexation of Uninhabited Contiguous Territory.

As a result of the Legislature's endeavor to eliminate useless and obsolete statutes, it appears that undesirable restrictions have been placed upon the acquisition of certain properties in uninhabited territory by municipalities for use as school sites or grounds. To correct this general prohibition and permit construction of a union high school building without further delay, suitable legislation is recommended to permit the purchase and annexation, for school purposes, of "uninhabited" territory.

#### Relief and Unemployment.

I placed in the budget for the 1937-1938 biennium the sum of \$48,000,000 for relief. At that time the unemployment trend was downward, but there was no substantial basis for proposing a smaller sum than was provided for the previous biennium. Conditions of unemployment since then and the trend of the Federal work program require consideration of the present situation.

The unemployment relief load decreased from a high point of 275,000 cases in February, 1935, to a low point of 109,500 cases in October, 1937. The current business recession has increased the load to more than 180,000 cases now, which is higher than it was at this time a year ago.

Had the Federal Works Progress Administration employed the same percentage of the load this year as last the State Unemployment Relief expenditures would be no greater this year than last, but during the last year and a half the Federal work program has employed a continually decreasing number of the total unemployment relief cases. In September, 1936, the State was required to give direct relief to only 19 per cent of the unemployment relief cases, but now the State is caring for 47½ per cent of such cases.

As a result of the combination of the diminished Federal work program and increased unemployment during recent months, the State Unemployment Relief load has been from 7,000 to 12,000 cases higher each month so far this year than it was last year. This means that unemployment relief expenditures will exceed the \$24,000,000 anticipated for the first half of the current biennium by at least \$4,000,000.

When the Works Progress Administration commenced operation two and one-half years ago it was anticipated that all of the unemployment relief cases would be provided for by this means except for a small residue of borderline employables. It has become apparent during these two and one-half years that a work program operated on the basis of local governments providing such projects as they can in the ordinary course of their affairs will permit the employment of only a portion of the unemployment relief load. A substantial part of the present unemployment relief load can not be economically absorbed in a normal work program and the result is a shortage of projects to employ these people.

A good many women are now employed on WPA sewing projects under the restriction that the clothing produced is to be available over and above regular relief budgets and must not replace direct cash expenditures which would otherwise be made out of tax funds. The number of women employed could be doubled if Federal regulations were modified to permit the clothing produced to be used for all welfare purposes, including State institutions, county hospitals and other county institutions. There are more than 15,000 women idle on the relief rolls.

I refer particularly to county use of relief-project produced goods because county expenditures for welfare purposes constitute an excessive burden upon local taxpayers. The work program operates on the basis of each agency benefiting from work done supplying the necessary sponsor's financial support, but in this situation I think the State is justified in assisting the counties through support of work projects for the production of as much clothing as the counties can use for all welfare purposes.

Although we have thought of the State's part in unemployment relief as extending direct relief to a residue case load since the start of the Federal WPA program, we must revise our thinking in keeping with conditions as we now find them. Local governments provide no part of the cost of direct relief to those who are not provided for on the work program, and if they do not sponsor projects for many of the people on relief it becomes necessary for the State to enter this part of the program, or carry a larger and larger direct relief load. Authority exists in the State Unemploy-

ment Relief Act for this participation, but the attention of the Legislature is directed to the situation because this problem should be considered in connection with the State unemployment relief appropriation and its present use. Four hundred thousand dollars should be provided for sponsors' support of WPA sewing projects for the balance of the biennium.

In addition to such use as we are able to make of the Federal work program in producing for a part of the needs of the unemployed, it is possible to employ a part of the remaining relief load to work out their relief in the performance of useful work, particularly in connection with producing goods needed in the public welfare field. Such a program involves some outlays for equipment and the facilities of project operation, but in the long run a net saving results.

Most of the needy would rather try to do for themselves than to receive fixed relief budgets. At present there is a relatively small group of families partially supporting themselves with the assistance of the Self-help Division of the State Relief Administration. This activity was started by the Federal Government, and its principal weakness lies in the fact that the facilities of production were not geared to the requirements of those needing public support. Self-help should be encouraged, but the program must be adjusted to the needs of the unemployed and the State in doing its welfare job, as we can not, under any circumstances, justify the use of public subsidies for the production of goods to be sold in private markets.

The Legislature should give attention now to the needs arising out of increased unemployment, a diminishing and restricted Federal work program, the desirability of devising means of using the unemployed to produce for welfare needs, thereby ultimately reducing relief expenditures, and to strengthening the self-help feature in relief of unemployment. I think it unsafe and undesirable under present conditions to defer the appropriation of the additional money we now know to be needed for direct relief, and in consideration of this problem and the other situations now before us I recommend the appropriation of the sum of \$4,900,000 to the Relief Commission and the Relief Administrator for unemployment relief.

#### Emergency Fund and Disaster.

To meet the extra demands upon the emergency fund an additional appropriation of \$3,000,000 for emergency use is recommended and provided for in Item No. 30.

In the relatively brief time available for the purpose I have had a comprehensive survey made of conditions resulting from recent disastrous floods.

On the basis of these studies, I have recommended appropriations totalling approximately \$8,000,000 to meet various emergency needs; and in addition \$1,000,000 has been set aside from gasoline tax funds for immediate highway clearance and repair. A further sum of not less than \$2,000,000 will be available if further expenditure is essential to highway maintenance.

Over and beyond this aggregate sum of \$11,000,000 for relief and public works, it is obvious that the needs for the restoration and repair of private dwellings and business structures will run into many millions of dollars.

I favor the utmost latitude in the use of public moneys to relieve the distress of our citizens under such an emergency, and while the direct resources available to the State government are limited and to some extent restricted, I am exerting every effort to discover ways and means to aid flood sufferers who require financial assistance.

It is apparent that our needs are so great, both public and private, that the greater resources of the Federal government must be drawn upon to aid the people of California in overcoming the effects of the flood disaster. And in the hope that such aid may be extended, I have addressed the following appeal to President Roosevelt:

HON. FRANKLIN D. ROOSEVELT,

President of the United States, Washington, D. C.

MY DEAR MR. PRESIDENT: In the wake of an unprecedented storm which has caused a deplorable loss of life and destruction of property, and following a succession of earlier floods which have caused much damage, the State of California faces relief and reconstruction problems reaching the proportions of a major disaster. Every resource of our citizenry and the full force of State, county, and municipal government have been promptly employed to relieve suffering and to undertake essential restoration of highways, bridges, streets, and flood control works. From moneys available, and through emergency appropriations which I have asked a special session of the Legislature to provide, we expect to have approximately eleven million dollars available for relief and for highway and flood control repair and maintenance. Our needs are so great, however, that only the timely and adequate financial assistance of the Federal government will prove sufficient to meet our extremely critical situation. On the basis of conservative estimates prepared by State engineers and by representatives of various counties and cities, the total public and private losses due to floods will exceed \$52,000,000. Such losses include destruction of homes and their furnishings; business structures, highways, bridges, levees, flood control works, and streets. This emergency necessitates considerable additional expenditures for relief. I am appealing to you, therefore, to

make available Federal funds from which, under the supervision of any Federal authority you may designate, the State of California may augment its own moneys to be expended for relief and for repair and reconstruction of highways, streets, and flood control systems. Please be assured that your favorable action upon this appeal will be gratefully appreciated by our people.

Respectfully,

FRANK F. MERRIAM, Governor of California.

For your information I present a report submitted to me today by Earl Lee Kelly, Director of Public Works:

DEPARTMENT OF PUBLIC WORKS.

SACRAMENTO.

March 7, 1938.

HON. FRANK F. MERRIAM,  
Governor of California, Sacramento, California.

DEAR GOVERNOR: In accordance with your instructions, Mr. C. H. Purcell, your State Highway Engineer, Mr. Harry A. Hopkins, Assistant Director of Public Works, and I went to Los Angeles and consulted with city and county officials, making a survey of the damage in the stricken area in Southern California which embraced the counties of Los Angeles, San Bernardino, Riverside, Orange, San Diego, Ventura, Santa Barbara, and San Luis Obispo; the first named counties being the ones most vitally affected in the center of the storm area.

Mr. Hyatt's office has heretofore submitted a report to you showing the December damage in Northern California counties in the sum of \$14,635,000. In consultation with Mr. Hyatt an estimate has been made for the February flood in addition to the \$14,635,000 of an amount approximating \$4,000,000 additional, or a total of \$18,635,000.

The total damage in Southern California will approximate \$33,919,000 as a result of the storm last week.

From a preliminary survey, it is my opinion that the total amount of the damage for county highways, city streets and highways, State highways, flood control district projects and private damage will approximate \$52,554,000.

The loss of life has been tremendous. The best figure we have available at this time of known dead is approximately 150, with probably 150 to 175 missing or unaccounted for. Six thousand people are now being cared for and sheltered by the Red Cross, their homes having been entirely destroyed by flood waters or landslides. The devastated area will probably reach 25,000 square miles.

The above amount of \$52,554,000 we divide as follows:

For county road and highway damage-----	\$6,033,000
City streets and highway damage-----	6,886,000
State highway road and bridge damage-----	4,000,000
Flood control district damage and rehabilitation costs-----	2,000,000
Damage to private property, other than listed above conservatively at -----	15,000,000

making a total of \$33,919,000 for the recent storm disaster in southern California.

These figures of Mr. Hyatt's added to those of Mr. Purcell, Mr. Hopkins and mine give you a grand total of all flood damage and disaster existing at the present time of \$52,554,000.

It is the opinion of the engineers of the Department of Public Works that this is a conservative figure.

Respectfully submitted.

(Signed)

EARL LEE KELLY,  
Director of Public Works.

Highway to the Geysers.

I am asking the Legislature to include in the State highway system about 15 miles of road, extending from near Preston to the Geysers, all in Sonoma County. This request comes as a result of the curative and beneficial qualities of the waters at the Geysers.

Many afflicted have been greatly benefited and restored to health at these springs and it is to make them available that this item is included in the call. Access is almost impossible under present conditions. To deny relief to the sick and suffering for lack of so small an addition to the highway system will hardly be refused by any acquainted with the benefits to be made available. In the course of time a foundation, publicly administered, or, if deemed more feasible, an institution owned and operated by the State of California, should be established there for the fullest benefit of humanity.

Of the many cases called to my attention, may I present only one. There are many more if further investigation is desired. The following letter came to my desk some time ago:



75456 Lawton Avenue, Oakland, California,

January 15, 1938.

GOVERNOR FRANK F. MERRIAM,  
Sacramento, California.

Your Excellency:

Understanding that you are very much interested in the work of rehabilitation of victims of infantile paralysis, I feel it my duty to bring to your attention the case of my son, Edward.

In 1930 he became afflicted with this terrible malady. From a strong, healthy, active boy he was instantly cut to a helpless, distorted body of humanity.

For two years he lay helpless in a hospital, strapped to frames for his back, arms and legs.

Water treatments were administered in several institutions until each claimed they had done all they could for him. Other methods of treatments were applied with little success.

Finally in utter despair I took him to an orthopedic specialist here in Oakland to be told that a series of operative treatments would be required. Still feeling that my son could be brought back practically 100 per cent by proper exercises I decided to delay decision on operations.

Then as if God sent, I heard of the Geysers. I visited Dr. Joseph Sooy of San Francisco, the head of that institution. There I found a man working solely for the benefit of humanity without thought of monetary recompense.

I explained my son's condition as well as my own financial position to which he showed no interest, but his attention was centered entirely upon the boy.

He told me to bring him in for an examination which I did. At the earliest possible moment Dr. Sooy made arrangements for me to take him to The Geysers which I did.

After a few weeks there, for the first time in seven years, I saw my boy stand alone, unaided by mechanical devices or human. There he was standing alone in the tank of water for the first time in seven years! I could hardly believe it after all the statements from others that he could not improve without the knife.

This was only the first of my surprises! About a week later I saw my son walking approximately thirty feet at a time in the water; unaided in any way.

The next surprise was to see him standing, without the aid of braces, out of the water. But wait! These improvements were only the beginning. Later he was able to discard his body brace and now his back is nearly straight. Since this he has been able to discard on leg brace and can take a few steps out of the water without any braces or crutches; just holding on to objects to support him. When he first went to The Geysers, an attempt of this nature would have meant complete collapse.

These are the benefits derived in possibly four months of exercise in the waters of The Geysers, but this is only part of this man's humanitarian acts.

Being without work for revenue or financial reserves, (may I say, I am broke) made no difference to this man whose heart and soul is interested only in uplifting these poor unfortunates who without reason are struck down to human wreckage.

Dr. Sooy is doing work for my son without remuneration from me and when I speak to him about paying him later, he only says, 'Forget it, I do not want to burden you with a financial obligation which will make it impossible for you to get back on your feet.'

I hope that the case I have pointed out will prove sufficiently interesting to you to investigate The Geysers to the end that steps may be taken to make this wonderful place and doctor available to the many thousands of poor unfortunate humans who have been cut down by this dreadful disease.

Respectfully yours,

(Signed)

CHAS. E. NOWELL."

#### Tax Sales and Tax Deeds.

Items or Bill Number 12 of the measures submitted is offered to provide a procedure relative to tax sales and tax deeds.

This proposal is purely a curative measure and will correct a very serious situation that confronts not only local government but the taxpayers as well.

It is important that this act be considered by the special session. By so doing, two years' time can be saved in correcting the present situation. There are actually thousands of vacant lots now deeded to the State, that have been abandoned by the record owner, that can be placed back on the tax rolls, as soon as the State is in a position to give good title. Hundreds of persons of humble means are now anxious to acquire these properties, but under present conditions a tax title could not be used as a basis of credit to improve these properties. In their present condition these properties are a growing problem for the local community. Nobody

eps them clean or controls the fire hazard that comes each year from dry grass, so, they have become the dumping ground for debris and other forms of general nuisance.

Under the existing conditions, these properties at tax sale would hardly bring any price, for the reason that the purchaser is immediately confronted with an expensive problem of trying to quiet the title. This proposal if enacted into law will permit the sale of these properties at a price which will bring to the political subdivision a substantial amount of money.

#### Refunding Assessment Acts.

Bills Nos. 13 and 14, amending the Refunding Assessment Bond Act of 1935, and the Assessment Bond Refunding Act of 1933, are related. These bills validate funding proceedings heretofore taken and refunding bonds heretofore issued, together with refunding assessments or reassessments heretofore levied.

The refunding acts above mentioned are now being used in a number of cities in the southern part of the State, and other municipalities are contemplating their use. It is reported to me the refundings heretofore completed clearly evidence the beneficial character of these measures. It is also stated that in the various proceedings already had, there has not been a single filed protest or objection as to the operation of these measures, and that property owners and districts are active working out plans for refunding the district indebtedness under one or the other of these acts. The proposed amendment will make the measures more workable.

#### The Prorate Act.

Amendments to the Prorate Act were passed by the last regular session of the legislature and were not approved, it being stated the provisions of this measure were unnecessary by reason of other legislation already approved. The sponsors of the bill have called attention to the desirability of these amendments, and they are included as Item No. 6.

These amendments, briefly, make three important changes in the Prorate Act, as well as a number of minor changes. The major changes are:

1. The limitation of the terms of office of the program committee who operate the program.

2. It establishes ways and means of instituting advertising and sales promotion programs.

3. It would establish proration on the basis of size and quality, as well as quantity.

The minor changes are largely of a technical nature to correct miswording, and for better administration of the act.

#### Proposal to Ratify Resolution to Retire Judges.

A constitutional amendment was adopted in 1934 to authorize the Legislature to provide for the retirement, with reasonable retirement allowance, of justices and judges of the courts of this State for age and disability. Subsequently, at the 1937 session of the Legislature, legislation was passed to provide for the retirement of judges and justices upon the condition that they might be assigned at any time after retirement, with their consent, to sit in any court.

Considerable doubt now exists whether the Legislature had the authority to authorize retired justices and judges to sit in courts, since it would have the effect of increasing the number of judges, by legislation, and might thereby conflict with the constitutional provisions.

In order that doubts of such serious nature would be removed, it is recommended that the proposed constitutional amendment be passed at this special session.

#### Fees of Jurors in Municipal Courts.

The amendment proposed under this caption would provide for the payment of the same fee to jurors serving in municipal courts in criminal cases as is now allowed to jurors in superior court criminal cases.

#### Allocation of Funds to District Agricultural Associations.

During the year 1937, 21 new county and district agricultural fairs were created which disbursed \$240,554 in premiums as compared to premium payment of \$200,100 in 1936 by 27 district and county agricultural fairs. The forty-eight fairs held in 1937 paid out a total in premiums of \$556,928, or 177 per cent greater than was paid out in premiums in 1936.

Under existing law 61 additional fairs may be created. At the present time, there is no legal authority to fix the maximum amount which any county may expend for premium purposes, except that a fair may not receive more than \$65,000 as its apportionment from the fair and exposition fund.

For the foregoing reasons, legislation should be enacted immediately to provide limitation upon the amount of premiums which fairs may pay during the first year of their existence, with a graduated increase for each year thereafter. This will permit an equitable allocation to all such fairs.

**Agricultural District 1-A.**

While the act making appropriation and provision for a State exhibit at the Golden Gate International Exposition contains no reference to holding the livestock exhibit of the exposition at the Agricultural District 1-A grounds, it was very specifically agreed that such an arrangement would be made, the funds to be allowed to the agricultural district by the exposition commission to be used to complete buildings. As a result of this understanding the bills making the appropriation of funds to complete the buildings were abandoned at the Legislature.

Legal difficulties of a technical nature have prevented the performance of this agreement, and Items Nos. 19 and 20 are presented to grant the necessary authority to proceed according to the above mentioned understanding.

**Amendments to State Employees' Retirement Act.**

When the Legislature passed the State Employees' Retirement Act, no provision was made for prior service credits to the personnel of the University of California although contributions to be made by such personnel included the cost of such credit.

It is now proposed by this amendment to grant prior service rights to university personnel to correct in fact an oversight in amendments to the Retirement Act of 1937. The plan has been carefully examined and approved by the actuary of the State Employees' Retirement System.

**Use Fuel Tax.**

In 1937, by Chapter 352, the Legislature imposed a tax of three cents per gallon on all motor vehicle fuels not subject to the Gasoline Tax Act, when used in motor vehicles on highways. Chapter 352 did not appropriate this money but it has been paid into and frozen in the motor vehicle fuel fund. I am presenting a bill to permit the use of this money for paying refunds to those entitled thereto by reason of the fact that the fuel was not used on highways, to pay the costs of collection of the State Controller and the Board of Equalization, and to pay the residue into the State highway fund for the purpose of repairing or replacing those bridges on the State highway system which, due to their structural faults or weaknesses, have been posted so as to restrict weights and speeds. Substantially all of the tax is collected from trucks using State highways and it is only fair that the money be used to repair or replace some of the 1200 bridges which are not now capable of withstanding legal loads and speeds.

**San Francisco-Oakland Bay Bridge Bonds.**

In response to many requests from persons interested in the tolls and financing of the San Francisco-Oakland Bay Bridge, augmented by newspaper advocacy, I have included a bill proposing a method of bridge bond refinancing. The proponents of this measure are prepared to make a full explanation of the bill and its proposals.

The primary object of the bill is the securing of a lessened interest rate on the bonds, to be based upon additional guarantees of the bonds and interest terms from gasoline funds of the counties as classified in Group No. 1 of Section 187 of the Streets and Highways Code.

Enactment of this proposal will advance the likelihood, not only of a reduction in the interest on the bonds, but of a consequent reduction in bridge tolls.

**In Conclusion.**

Other bills included in the call are sufficiently self-explanatory in their own language and need no further reference here.

In an effort to make your deliberations as expeditious as possible, and thus permit legislators to perform their public duties without needless sacrifice of private and personal interests, the bills submitted for your consideration have been carefully scrutinized not only by those most directly interested, but by the various legal and expert State authorities to whom such matters ordinarily are referred.

Particular credit is due Earl Lee Kelly, Director of Public Works, and his aids; Fred B. Wood, Legislative Counsel, and his assistants, and to Arlin E. Stockburger and Webb Shadle of the Department of Finance, for their tireless and conscientious services in gathering necessary information and preparing the various measures.

It is my hope and expectation that you will conduct and conclude your deliberations constructively and harmoniously. The services of the Governor's office, and of all State departments are at your disposal.

Respectfully submitted,

FRANK F. MERRIAM,  
Governor.

**Adjournment.**

There being no further business, at two o'clock and forty minutes p.m., on motion of Senator Rich, the President of the Senate declared the Joint Convention adjourned.

**IN SENATE.**

**Reconvened.**

At two o'clock and fifty-five minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Joseph A. Beck, Secretary of the Senate, at the desk.

**Requests for Permission to Introduce Bills.**

The following request for permission to introduce a concurrent resolution was presented:

By Senator Nielsen:

SENATE CHAMBER, SACRAMENTO, March 7, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to introduce a concurrent resolution, the title of which is set forth below:

Relative to the appointment of a Joint Interim Committee to Investigate the Department of Employment and certain charges and criticisms recently published against the department.

Respectfully submitted.

SENATOR NIELSEN.

Request referred to Committee on Rules.

The following request for permission to introduce a bill was presented:

By Senator Jespersen:

SENATE CHAMBER, SACRAMENTO, March 7, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act to validate bonds of schools districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

Respectfully submitted.

SENATOR JESPERSEN.

Request referred to Committee on Rules.

The following request for permission to introduce a concurrent resolution was presented:

By Senator Swing:

SENATE CHAMBER, SACRAMENTO, March 7, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to introduce a concurrent resolution, the title of which is set forth below:

Relative to the study and investigation of the cost of aid to the aged.

Respectfully submitted.

SENATOR SWING.

Request referred to Committee on Rules.

The following request for permission to introduce a joint resolution was presented:

By Senator Metzger:

SENATE CHAMBER, SACRAMENTO, March 7, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to introduce a joint resolution, the title of which is set forth below:

Relative to memorializing Congress in relation to California's opposition to reciprocal trade agreements concerning agricultural products.

Respectfully submitted.

SENATOR METZGER.

Request referred to Committee on Rules.



### Adjournment.

On motion of Senator Rich, at three o'clock p.m., the President of the Senate declared the Senate adjourned out of respect to the memory of the late Senator Karl P. Keough until eleven o'clock a.m., Tuesday, March 8, 1938.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### IN SENATE

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SENATE CHAMBER,  
SACRAMENTO, Tuesday, March 8, 1938.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.  
Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—37.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Monday, March 7, 1938, the further reading was, on motion of Senator Slater, dispensed with.

### Leave of Absence.

Senator Hays was, on motion of Senator Wagy, granted leave of absence for this day.

### Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Roy E. Campbell of San Diego.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Florence Prag Kahn, former Congresswoman from the fourth district, San Francisco, and Mrs. A. C. Mattei, State President of Pro-America, San Francisco.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leo Ward.

On request of Lieutenant Governor Hatfield and Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. "Mickey" Morgan of Ataseadero.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. W. Morley, father-in-law of Senator Schottky.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roscoe D. Jones of Oakland.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Durham High School civics class headed by their instructor, Mr. England, and also accompanied by a number of parents.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. Mitchell Bourquin and Edward Murphy.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gordon H. Harlan of Riverdale.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hal. A. Barnett of Stockton.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Menton, District Attorney of Orange County.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edward L. Abbott, of Santa Barbara, member of the State Board of Prison Directors.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Willis Beeson of Oakland.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Wyman of Merced, Director of the Department of Public Welfare of Merced County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Daniel C. Murphy, former Senator from San Francisco.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lena B. Everett, teacher, and the following students of the social studies class, Stanford Junior High School: Jack Atkinson, Harold Bishop, Edsel Brady, Marjorie Brenner, Jean Bogue, Alice Cairns, Basil Clark, Dorothy Clark, Daniel Conghlin, Ernest Johnson, Albert Manich, Boyd McCullough, Bob Moore, Carl Morse, Anita Morris, Norma Jean Payne, Lanretta Purcell, Thelma Renner, Walter Rule, Audrey Savage, Felice Seybold, Alex Shilin, Gordon Thomas, Barbara Jean Williams, and Doris Williams.

### Communications.

The following communications were received, read, and ordered printed in the Journal:

WHEREAS, The California State Firemen's Association has heretofore adopted a definite policy of approval of the system of civil service and is committed to the defense of said civil service throughout the State of California; and

WHEREAS, There has been brought to the attention of the public certain charges which have been made pertaining to the asserted sale of positions in the police and fire departments of various political subdivisions of the State of California; and

WHEREAS, The institution of civil service has become and is recognized as the greatest advancement in the interest of good government and the abolition of the spoils system in public affairs; and

WHEREAS, If the civil service system of any such political subdivision is being abused or circumvented or otherwise disregarded, such abuse, circumvention or disregard will establish a precedent dangerous to all civil service systems; and

WHEREAS, Ralph Louis Welsh, State Assemblyman has publicly stated his intention of asking a special session of the Legislature to be convened on or about March 7, 1938, to appoint a Special Committee to inquire into the asserted abuses of the civil service system in the fire and police departments of the State of California for the purpose of determining whether or not the charges made are founded upon facts and to recommend to the Legislature such legislation as may be required to remedy any such conditions and to prevent their re-occurrence; now therefore be it

*Resolved*, That this body goes on record as being unalterably opposed to any abuse, disregard or circumvention of civil service systems anywhere within this State; and be it further

*Resolved*, That California State Firemen's Association approves and recommends to the Legislature that it adopt a resolution to be introduced by Ralph Louis Welsh seeking the appointment of the above mentioned Special Committee; and be it further

*Resolved*, That copies of this resolution be forwarded to the Legislature of the State of California at Sacramento and to Assemblyman Ralph Louis Welsh at the State Building, Los Angeles.

#### CALIFORNIA STATE FIREMEN'S ASSOCIATION.

February 28, 1938.

SAN FRANCISCO, CALIFORNIA, March 2, 1938.

*The Honorable George Hatfield, Lieutenant Governor of California, Sacramento, California.*

SIR: By direction of our Council I desire to inform you of the following resolution adopted unanimously at our last meeting:

WHEREAS, The special session of the State Legislature, convening March 7, 1938, is considering the initiation of a constitutional amendment to consolidate the State Relief Administration with the State Department of Social Welfare; and

WHEREAS, Such consolidation would give the State Department of Social Welfare control over the administration of unemployment relief; and

WHEREAS, The State Department of Social Welfare has proved itself unfit to administer unemployment relief funds, as is witnessed by a long record of maladministration of other categories of outdoor relief, with the result that California is now in grave danger of losing Federal grants in aid under the Social Security Program; and

WHEREAS, The consolidation of the State Relief Administration with the State Department of Social Welfare would open the possibility of administration of relief funds by the several county boards of supervisors, who are notorious for their backward and reactionary approach to problems of public assistance; now, therefore, be it

*Resolved*, That the San Francisco District Industrial Union Council urges the defeat of the Governor's proposal to consolidate the State Relief Administration with the State Department of Social Welfare.

We are opposed to the proposed consolidation for various reasons, to wit:

The State Department of Social Welfare proved its incompetency to such an extent that in 1933 the separate State Relief Administration had to be established.

Further, the existing State Department of Social Welfare has been used as a means to pay off political debts and is ridden with politics, so much so that the Federal Government refused to entrust any relief funds to this State which would be administered by the so-called Social Welfare Department.

The citizens of California can not permit this important question of relief to destitute people to be entrusted to the hands of mere politicians, but requires the service of carefully trained, socially-minded people.

Respectfully,

SAN FRANCISCO DISTRICT  
INDUSTRIAL UNION COUNCIL.  
H. STUYVELAAR, Secretary.

#### Resolution.

The following resolution was offered:

By Senator McGovern:

WHEREAS, The members of the Senate of California have learned with profound regret of the death of Thomas F. Finn who, on January 5, 1938, passed from his earthly activities; and

WHEREAS, Thomas F. Finn served the people of the State of California in the capacity of Assemblyman, State Senator, Commissioner, Supervisor of the City and County of San Francisco and Sheriff of the City and County of San Francisco; and

WHEREAS, Thomas F. Finn was a patriotic and distinguished citizen of California, an honorable and faithful public servant and an able legislator who rendered great service to government in this State; now, therefore, be it

*Resolved by the Senate of the State of California*, That this body sincerely regrets the passing on of Thomas F. Finn and tenders to the members of his family and to his personal friends this expression of regard and esteem which the members of the Senate of California had for him; and be it further

*Resolved*, That when the Senate adjourns at the end of this day, it do so out of respect to the memory of the late Thomas F. Finn; and be it further

*Resolved*, That the Secretary of the Senate is directed to have copies of this resolution suitably engrossed and to present the same to the members of the family of the late Thomas F. Finn.

Resolution read, and unanimously adopted by a rising vote of the Senate.

### Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$100 in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

RICH, Chairman.  
McCORMACK.  
LAW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Waggy, Westover, and Young—35.

NOES—None.

### Messages from the Governor.

The following messages from the Governor were received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, March 7, 1938.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: This is to inform you that on the ninth day of October, 1937, the Hon. Dan E. Williams did tender his resignation as Senator from the Twenty-sixth Senatorial District, which resignation I accepted on October 16, 1937.

Respectfully yours,

FRANK F. MERRIAM,  
Governor of California.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, March 7, 1938.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: I am pleased to inform you that on the twenty-second day of September, 1937, I appointed, subject to the advice and consent of the Senate, Donald Kolts of Los Angeles, as a member of the Board of Prison Directors, for the term ending January 12, 1940.

Requesting your approval of the same, I am,

Respectfully yours,

FRANK F. MERRIAM,  
Governor of California.

Communication referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, March 7, 1938.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: I am pleased to inform you that on the seventeenth day of January, 1938, I appointed, subject to the advice and consent of the Senate, John D. Me-



Gilvray of San Francisco, as a member of the Board of Prison Directors, for the term ending January 12, 1948.

Requesting your approval of the same, I am,

Respectfully yours,

FRANK F. MERRIAM,  
Governor of California.

### Communication referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, March 7, 1938.

*To the Honorable Members of the Senate,*

*State of California, Sacramento, California.*

GREETINGS: I am pleased to inform you that on the twenty-first day of January, 1938, I appointed, subject to the consent of two-thirds of the members of the Senate, as members of the State Board of Education, the following: Armistead B. Carter of San Diego, and Daniel C. Murphy of San Francisco, for the term ending January 15, 1942.

Requesting your approval of the same, I am,

Respectfully yours,

FRANK F. MERRIAM,  
Governor of California.

### Communication referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, March 7, 1938.

*To the Honorable Members of the Senate,*

*State of California, Sacramento, California.*

GREETINGS: I am pleased to inform you that on the sixteenth day of August, 1937, I appointed, subject to the consent of two-thirds of the members of the Senate, as members of the State Board of Education, the following: Edna Stangland Kasch, of Ukiah, and Ford A. Chatters of Lindsay, for the term ending January 15, 1941.

Requesting your approval of the same, I am,

Respectfully yours,

FRANK F. MERRIAM,  
Governor of California.

### Communication referred to Committee on Rules.

#### Requests for Permission to Introduce Bills.

The following request for permission to introduce a bill was presented:

By Senator McColl:

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate I request permission to introduce a bill, the title of which is set forth below:

An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipal corporations where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipal corporation voting upon the question of incurring such bonded indebtedness; providing for a levy of taxes to pay the principal and interest of such bonds; and declaring the urgency of this act.

Respectfully submitted.

SENATOR MCCOLL.

Request referred to Committee on Rules.

The following request for permission to introduce a bill was presented:

By Senator Knowland:

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78, 83, 85a and 86 of, and to add sections 3a, 75a, and 83h to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System and to retirement of employees of the University of California.

Respectfully submitted.

SENATOR KNOWLAND.

Request referred to Committee on Rules.

### Reports of Standing Committees.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Nielsen for permission to introduce a concurrent resolution entitled:

Relative to the appointment of a Joint Interim Committee to investigate the Department of Employment and certain charges and criticisms recently published against the department;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

Upon motion of Senator Rich, the report was adopted, and the request granted.

### Introduction, First Reading and Reference of Bills.

The following concurrent resolution was introduced:

**Senate Concurrent Resolution No. 2:** By Senator Nielsen—Relative to the appointment of a Joint Interim Committee to Investigate the Department of Employment and certain charges, and criticisms recently published against the department.

Senate Concurrent Resolution No. 2 read, and referred to Committee on Rules.

### Reports of Standing Committees—(Resumed)

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Swing for permission to introduce a concurrent resolution entitled:

Relative to the study and investigation of the cost of aid to the aged;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: AYES—5.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

### Introduction, First Reading and Reference of Bills—(Resumed)

The following concurrent resolution was introduced:

**Senate Concurrent Resolution No. 3:** By Senator Swing—Relative to the study and investigation of the cost of aid to the aged.

Senate Concurrent Resolution No. 3 read, and referred to Committee on Rules.

### Reports of Standing Committees—(Resumed)

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Metzger for permission to introduce a joint resolution entitled:

Relative to memorializing Congress in relation to California's opposition to reciprocal trade agreements concerning agricultural products;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: AYES—5.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

**Introduction, First Reading and Reference of Bills—(Resumed)**

The following joint resolution was introduced:

**Senate Joint Resolution No. 1:** By Senator Metzger—Relative to memorializing Congress in relation to California's opposition to reciprocal trade agreements concerning agricultural products.

Senate Joint Resolution No. 1 read, and referred to Committee on Federal Relations.

**Reports of Standing Committees—(Resumed)**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Jespersen for permission to introduce a bill entitled:

An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: AYES—5.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

**Introduction, First Reading and Reference of Bills—(Resumed)**

The following bill was introduced:

**Senate Bill No. 1:** By Senator Jespersen—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

Senate Bill No. 1 read first time, and referred to Committee on Judiciary.

**Communication.**

The following communication was received, read, and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, March 7, 1938.

Honorable W. P. Rich,

Senate Chamber,

State Capitol, Sacramento, California.

SUBJECT: Consideration of resolutions upon subjects not within the call.  
REQUEST: No. 9526

DEAR SENATOR RICH: This is in response to your request for an opinion upon the question of whether or not joint and concurrent resolutions upon subjects not within the subject matter of the Governor's call may be considered and acted upon by the Legislature convened in special session. Your request has particular reference to resolutions upon the following subjects:

(a) Memorializing Congress to refuse acceptance of any reciprocal trade agreement with England or any other country concerning agricultural products.

(b) Creation of a Joint Interim Investigation Committee to investigate the desirability of the assumption by the State of the entire burden of the administration of State aid to the needy aged.

(c) Creation of a Joint Interim Investigating Committee to investigate the long delays in the payment of unemployment benefits under the Unemployment Reserves Act.

It is our opinion that the Legislature has the power to consider and act upon these resolutions at this special session of the Legislature, although they are not within the subject matter contained in the Governor's call, upon the ground that such consideration and action would not be an exercise of the "power to legislate" within the meaning of section 9 of Article V of the Constitution of the State of California.



It is clear that the enactment of a "bill" into law or the adoption of a resolution proposing a "constitutional amendment" is "to legislate" within the meaning of section 9 of Article V of the Constitution.

On the other hand, it has been held in this State that confirmation by the Senate of an appointment made by the Governor is not an act of legislation within the meaning of said section 9, and may be considered at a special session regardless of the question whether or not the subject thereof is specified in the proclamation. (*People vs. Blanding* (1883), 63 Cal. 333.)

It is also established in this State that a mere resolution (as distinguished from a concurrent resolution approving a city or county charter or an amendment to such a charter) does not have the effect of law. (*Mullan vs. State* (1896), 114 Cal. 578.)

In addition, there are many legislative precedents for concurrent and joint resolutions at special sessions even though not within the subjects specified in the call. Among such are resolutions which appear in the Statutes of 1909, page 24, and Statutes of 1917, page 45, Chapter 2 of Resolutions.

At the California special session of 1881, a certain resolution on a subject not specified in the proclamation came before the Senate for consideration. The point of order was made that the resolution dealt with a subject not specified in the call. The Presiding Officer of the Senate ruled the point not well taken and, on appeal, the Chair was sustained by the Senate. (Extra Session 1881, Senate Journal, pages 514 and 516.)

A similar ruling was made by the Speaker in 1907 (Assembly Journal for November 22, 1907, page 52.)

Finally may we call your attention to the decision in *Ex parte Walters* (1912), 64 Tex. Cr. 238, 144 S.W. 531, in which the court considered the question of whether or not during a special session the Legislature could appoint a committee to investigate a subject not embraced in the proclamation of the Governor. A majority of the court sustained the right of the Legislature to appoint the committee. It was pointed out that the limitation on legislative powers during a special session apply only to "legislation" and not to the incidental power of investigation; and that even if the Legislature could not pass legislation at that session based upon the facts disclosed by the investigation, it had "authority to gather and preserve information for further use".

We are of the view, therefore, that section 9 of Article V of the State Constitution does not prevent consideration of and action upon these joint and concurrent resolutions at this special session.

Very truly yours,

FRED B. WOOD, Legislative Counsel.  
By ARTHUR McHENRY, Deputy.

### Requests for Permission to Introduce Bills.

The following request for permission to introduce a concurrent resolution was presented:

By Senator Parkman:

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: In accordance with the provisions of the rules of the Senate, I request permission to introduce a concurrent resolution, the title of which is set forth below:

Relative to approving certain amendments to the charter of the county of San Mateo, State of California.

Respectfully submitted.

SENATOR PARKMAN.

Request referred to Committee on Rules.

The following request for permission to introduce a bill was presented:

By Senator Slater:

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: In accordance with the provisions of the rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 508 to the Streets and Highways Code, relating to State highways.

Respectfully submitted.

SENATOR SLATER.

Request referred to Committee on Rules.

The following request for permission to introduce a bill was presented:

By Senator Fletcher:

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: In accordance with the provisions of the rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817c6, and 3817k thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales.

Respectfully submitted.

SENATOR FLETCHER.

Request referred to Committee on Rules.

The following request for permission to introduce a joint resolution was presented:

By Senator Swing:

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: In accordance with the provisions of the rules of the Senate, I request permission to introduce a joint resolution, the title of which is set forth below:

Relative to memorializing the President and the Congress of the United States to make available Federal funds for flood relief.

Respectfully submitted.

SENATOR SWING.

Request referred to Committee on Rules.

### Recess.

At eleven o'clock and thirty-five minutes a.m., on motion of Senator Swing, the President of the Senate declared recess until two o'clock p.m.

### Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

### Reports of Standing Committees—(Resumed)

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Fletcher for permission to introduce a bill entitled:

An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817c6, and 3817k thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

### Introduction, First Reading and Reference of Bills—(Resumed)

The following bill was introduced:

**Senate Bill No. 2:** By Senator Fletcher—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817c6, and 3817k thereto, relating to taxation and assess-

ment, including payment of taxes in installments and tax redemption from tax sales.

Senate Bill No. 2 read first time, and referred to Committee on Revenue and Taxation.

### Reports of Standing Committees—(Resumed)

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Knowland for permission to introduce a bill entitled:

An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78, 83, 85a and 86 of, and to add sections 3a, 75a, and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System and to retirement of employees of the University of California;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.

On motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

### Introduction, First Reading and Reference of Bills—(Resumed)

The following bill was introduced:

**Senate Bill No. 3:** By Senator Knowland—An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78, 83, 85a and 86 of, and to add sections 3a, 75a, and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System and to retirement of employees of the University of California.

Senate Bill No. 3 read first time, and referred to Committee on Governmental Efficiency.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Slater for permission to introduce a bill entitled:

An act to add section 508 to the Streets and Highways Code, relating to State highways;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.

Upon motion of Senator Rich, the Report of the Committee on Rules was adopted, and permission granted.

### Introduction, First Reading and Reference of Bills—(Resumed).

The following bill was introduced:

**Senate Bill No. 4:** By Senator Slater—An act to add section 508 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 4 read first time, and referred to Committee on Roads and Highways.

**Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Parkman for permission to introduce a concurrent resolution entitled:

Relative to approving certain amendments to the charter of the county of San Mateo, State of California;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

**Introduction, First Reading and Reference of Bills—(Resumed).**

The following concurrent resolution was introduced:

**Senate Concurrent Resolution No. 4:** By Senator Parkman—Approving certain amendments to the charter of the county of San Mateo, State of California.

**Consideration of Senate Concurrent Resolution No. 4.**

Senator Parkman asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 4, without reference to committee, for purpose of adoption.

**Senate Concurrent Resolution No. 4—**Relative to approving certain amendments to the charter of the county of San Mateo, State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garri-son, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormick, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—32.

NOES—None.

Senate Concurrent Resolution No. 4 ordered transmitted to the Assembly.

**Appointment of Committee Members.**

The President announced the appointment of Senator Hays to the Committee on Revenue and Taxation, in place of Senator Williams, resigned, and Senator Rich to the Committee on Social Welfare, in place of Senator Keough, deceased.

**Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Swing for permission to introduce a joint resolution entitled:

Relative to memorializing the President and the Congress of the United States to make available Federal funds for flood relief;



Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

### **Introduction, First Reading and Reference of Bills—(Resumed).**

The following joint resolution was introduced:

**Senate Joint Resolution No. 2:** By Senator Swing—Relative to memorializing the President and the Congress of the United States to make available Federal funds for flood relief.

Senator Swing asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 2, without reference to committee, file, or printer.

### **Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

#### **On Rules.**

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator McColl for permission to introduce a bill entitled:

An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipal corporations where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipal corporation voting upon the question of incurring such bonded indebtedness; providing for a levy of taxes to pay the principal and interest of such bonds; and declaring the urgency of this act;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership, 5; committee vote: Ayes, 4; absent, 1.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

### **Introduction, First Reading and Reference of Bills—(Resumed).**

The following bill was introduced:

**Senate Bill No. 5:** By Senator McColl—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipal corporations where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipal corporation voting upon the question of incurring such bonded indebtedness; providing for a levy of taxes to pay the principal and interest of such bonds; and declaring the urgency of this act.

Senate Bill No. 5 read first time, and referred to Committee on Judiciary.

### **Requests for Permission to Introduce Bills.**

The following request for permission to introduce a bill was presented:

By Senator Hays:

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: In accordance with the provision of the Rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 3664b, 3666a, 3668b, 3668c and 3669 of the Political Code, all relating to the taxation of insurance companies and associations under the provisions of Article XIII of the Constitution of this State, and providing that this act shall take effect upon the effective date of Senate Constitutional Amend-



ment No. 1, proposed at the extraordinary session of the Legislature commencing on the seventh day of March, 1938.

Respectfully submitted.

SENATOR HAYS.

Request referred to Committee on Rules.

The following request for permission to introduce a constitutional amendment was presented:

By Senator Hays:

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to introduce a constitutional amendment, the title of which is set forth below:

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XIII thereof a new section to be numbered 14½, relating to the taxation of insurance companies and associations.

Respectfully submitted.

SENATOR HAYS.

Request referred to Committee on Rules.

The following request for permission to introduce a concurrent resolution was presented:

By Senator Seawell:

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to introduce a concurrent resolution, the title of which is set forth below:

Relative to age restrictions on candidates for civil service positions.

Respectfully submitted.

SENATOR SEAWELL.

Request referred to Committee on Rules.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Swing for permission to introduce a concurrent resolution entitled:

Relative to calling a special session to provide legislation for reimbursing private persons and public agencies for loss and damage sustained by them during the recent floods;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
SLATER.  
TICKLE.  
KNOWLAND.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

### Introduction, First Reading and Reference of Bills—(Resumed).

The following concurrent resolution was introduced:

**Senate Concurrent Resolution No. 5:** By Senator Swing—Relative to calling a special session to provide legislation for reimbursing private persons and public agencies for loss and damage sustained by them during recent floods.

Senate Concurrent Resolution No. 5 read, and referred to Committee on Rules.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 3—Relative to approving amendment to the charter of the City and County of San Francisco voted for and ratified by the

electors of said City and County of San Francisco at an election held therein on the second day of November, 1937;

Assembly Concurrent Resolution No. 4—Relative to approving amendments to the charter of the city of Santa Monica, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the seventh day of December, 1937;

Assembly Concurrent Resolution No. 5—Relative to approving two certain amendments to the charter of the city of San Jose, in the county of Santa Clara, State of California, voted for and ratified by the electors of said city at a special election held therein on the nineteenth day of October, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Assembly Concurrent Resolution No. 3 referred to Committee on Rules.

Assembly Concurrent Resolution No. 4 referred to Committee on Rules.

Assembly Concurrent Resolution No. 5 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 6—Relative to the Golden Jubilee Anniversary of the Press Club of San Francisco;

Assembly Concurrent Resolution No. 7—Relative to the approval of three certain amendments to the charter of the city of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon on the eighth day of June, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Assembly Concurrent Resolution No. 6 referred to Committee on Rules.

Assembly Concurrent Resolution No. 7 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 1—Relative to the respect and esteem of the Legislature for the late Senator Harry A. Chamberlin.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

Senate Concurrent Resolution No. 1 ordered to enrollment.

### Requests for Permission to Introduce Bills.

The following request for permission to introduce a constitutional amendment was presented:

By Senator Swing:

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to introduce a constitutional amendment, the title of which is set forth below:

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding a new section numbered 11 to Article XVI thereof, relating to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare.

Respectfully submitted.

SENATOR SWING.

Request referred to Committee on Rules.

The following request for permission to introduce a resolution was presented:

By Senator Metzger:

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to offer a resolution, the title of which is set forth below:

Relating to National Labor Relations Board elections.

Respectfully submitted,

SENATOR METZGER.

Request referred to Committee on Rules.

### Adjournment.

At two o'clock and thirty minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, out of respect to the memory of the late Thomas F. Finn, until eleven o'clock a.m., Wednesday, March 9, 1938.

ELLSWORTH W. SCAMMON, Minute Clerk.

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## IN SENATE

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SENATE CHAMBER,

SACRAMENTO, Wednesday, March 9, 1938.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—38.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Tuesday, March 8, 1938, the further reading was, on motion of Senator Swing, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Nielsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Myrtle Ralston, and Etolia Hardon, teachers, and the following students of the Bates Joint Union Grammar School, Courtland: Enrico Cortopassi, Doris Hansen, Barbara Andrees, Walter Prue, John Wheeler, Jr., Phyllis Car, Margaret Netherecott, Bruna Fava, Isabell Rose, Bernice Ensley, Mercer Rmyon, Jr., Lejeune Gier, Inez Himebaugh, Vivian Potts, Angelina Zayas, Eleanor Grishaber, Florence Cassie, Roy Massoni, Frank Ganveia, Richard Crozier, Mildred Roberts, David Dunsmoore, Juanita Roten, Mary Uyeda, Emy Inouye, May Jong, Alice

Jang, May Ting, Stella Ow, Hideko Ito, Deming Chew, Junior Hing, Harvey Chow, Charlie Chan, Edgar Jang, Kern Chew, Who Wha Lum, John Muranishi, John Mishimura, Satarn Shimazu, Yoshio Harai, and Basilia Mondejar.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles Davies, of San Diego, President, Twenty-second Agricultural District Association of San Diego.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Archie H. Lyons of Modesto.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Perry S. Wood, John Matthias and Don Inman, all of Oakland.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chas. Godsil of San Francisco.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1938.

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1—An act to provide that the property and bonds of housing authorities shall be exempt from taxation and assessments; to authorize certain payments in lieu of such taxes and assessments; and to provide that this act shall take effect immediately.

Assembly Bill No. 2—An act to authorize cities, cities and counties, towns, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, cities and counties, towns, counties and other political subdivisions to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities, cities and counties, and counties to make an appropriation for the first year's administrative expenses of housing authorities; to authorize certain cities, cities and counties, towns and counties to pay moneys to housing authorities; and to declare an emergency.

Assembly Bill No. 3—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain, and to provide that this act shall take effect immediately.

Assembly Bill No. 9—An act to amend the title of, and to add section 10 to, an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of contiguous territory thereto owned by the incorporated town or city desiring the annexation of the same, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of the annexed territory," approved June 13, 1933, relating to the annexation of contiguous territory to municipal corporations.

JAMES G. SMYTH, Chief Clerk of the Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 1 referred to Committee on Rules.

Assembly Bill No. 2 referred to Committee on Rules.

Assembly Bill No. 3 referred to Committee on Rules.

Assembly Bill No. 9 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1938.

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 11—An act to amend section 18 of an act entitled "An act imposing an excise tax on the use in this State of fuel as defined herein providing for the issuance of permits to the users of such fuel, and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions



hereof and providing that this act shall take effect immediately," approved May 24, 1937, being Chapter 352 of the Statutes of 1937, to appropriate the moneys received in pursuance of said act.

Assembly Bill No. 13—An act to authorize the California Commission for the Golden Gate International Exposition to procure insurance.

JAMES G. SMYTH, Chief Clerk of the Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 11 referred to Committee on Rules.

Assembly Bill No. 13 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 1—Relative to memorializing the President and Congress to award the construction of Naval vessels to the Pacific Coast shipyards.

Assembly Joint Resolution No. 2—Relative to accepting a permit from the Government of the United States for the construction of a State highway, known as the Funston Avenue Approach, over certain rights of way and relating to the retrocession by the Congress of the United States of jurisdiction over the said rights of way.

Assembly Constitutional Amendment No. 1—Proposed amendment to Article VI of the Constitution by adding section 27 thereto, relative to the retirement of judges.

JAMES G. SMYTH, Chief Clerk of the Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Joint Resolution No. 1 referred to Committee on Rules.

Assembly Joint Resolution No. 2 referred to Committee on Rules.

Assembly Constitutional Amendment No. 1 referred to Committee on Rules.

### Reports of Standing Committees.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Seawell for permission to introduce a concurrent resolution entitled:

Relative to age restrictions on candidates for civil service positions;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted,

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

### Introduction, First Reading and Reference of Bills.

The following concurrent resolution was introduced:

**Senate Concurrent Resolution No. 6:** By Senator Seawell—Relative to age restrictions on candidates for civil service positions.

Senate Concurrent Resolution No. 6 read, and referred to Committee on Civil Service.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Hays for permission to introduce a bill entitled:

An act to amend sections 3664h, 3666a, 3668h, 3668c and 3669 of the Political Code, all relating to the taxation of insurance companies and associations under the provisions of Article XIII of the Constitution of this State, and providing that this act shall take effect upon the effective date of Senate Constitutional Amend-



ment No. 1, proposed at the extraordinary session of the Legislature commencing on the seventh day of March, 1938;  
Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

### Introduction, First Reading and Reference of Bills—(Resumed).

The following bill was introduced:

**Senate Bill No. 6:** By Senator Hays—An act to amend sections 3664b, 3666a, 3668b, 3668c and 3669 of the Political Code, all relating to the taxation of insurance companies and associations under the provisions of Article XIII of the Constitution of this State, and providing that this act shall take effect upon the effective date of Senate Constitutional Amendment No. 1, proposed at the extraordinary session of the Legislature commencing on the seventh day of March, 1938.

Senate Bill No. 6 read first time, and referred to Committee on Insurance.

### Reports of Standing Committees—(Resumed).

The following reports of standing committee were received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 3—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the second day of November, 1937.

Assembly Concurrent Resolution No. 4—Approving amendments to the charter of the city of Santa Monica, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the seventh day of December, 1937.

Assembly Concurrent Resolution No. 5—Approving two certain amendments to the charter of the city of San Jose, in the county of Santa Clara, State of California, voted for and ratified by the electors of said city at a special election held therein on the nineteenth day of October, 1937.

Assembly Concurrent Resolution No. 6—Relative to the golden jubilee anniversary of the Press Club of San Francisco.

Assembly Concurrent Resolution No. 7—Relative to the approval of three certain amendments to the charter of the city of Alhambra ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of June, 1937;

Has had the same under consideration, and respectfully reports the same back, and recommends that the Senate consider the same in the usual manner.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

Assembly Concurrent Resolution No. 3 read, and ordered on file.

Assembly Concurrent Resolution No. 4 read, and ordered on file.

Assembly Concurrent Resolution No. 5 read, and ordered on file.

Assembly Concurrent Resolution No. 6 read, and ordered on file.

Assembly Concurrent Resolution No. 7 read, and ordered on file.

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

The request of Senator Hays to introduce a constitutional amendment entitled:

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XIII thereof a new section to be numbered 14½, relating to the taxation of insurance companies and associations.

The request of Senator Swing to introduce a constitutional amendment entitled:

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding a new section numbered 11 to Article XVI thereof, relating to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare;

Has had the same under consideration, and respectfully reports the same back, and recommends that the requests be granted.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

### **Introduction, First Reading and Reference of Bills—(Resumed).**

The following constitutional amendments were introduced:

**Senate Constitutional Amendment No. 1:** By Senator Hays—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XIII thereof a new section to be numbered 14 $\frac{3}{4}$ , relating to the taxation of insurance companies and associations.

Senate Constitutional Amendment No. 1 read, and referred to Committee on Insurance.

**Senate Constitutional Amendment No. 2:** By Senator Swing—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding a new section numbered 11 to Article XVI thereof, relating to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare.

Senate Constitutional Amendment No. 2 read, and referred to Committee on Social Security.

### **Request for Permission to Introduce a Bill.**

The following request for permission to introduce a concurrent resolution was presented:

By Senator Phillips:

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: In accordance with the provisions of the rules of the Senate, I request permission to introduce a concurrent resolution, the title of which is set forth below:

Relative to a Commission on Intergovernmental Cooperation.

Respectfully submitted.

SENATOR PHILLIPS.

Request referred to Committee on Rules.

### **Reports of Standing Committees—(Resumed).**

The following reports of standing committee were received and read:

#### **On Judiciary.**

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 5—An act to validate bonds heretofore issued and sold, or to be issued and sold, by municipal corporations where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipal corporation voting upon the question of incurring such bonded indebtedness; providing for a levy of taxes to pay the principal and interest of such bonds; and declaring the urgency of this act;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

HAYS, Chairman.

**Second Reading of Senate Bills.**

**Senate Bill No. 1**—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 5**—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipal corporations where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipal corporation voting upon the question of incurring such bonded indebtedness; providing for a levy of taxes to pay the principal and interest of such bonds; and declaring the urgency of this act.

Bill read second time, ordered to engrossment, and on file for third reading.

**Consideration of Assembly Concurrent Resolution No. 3.**

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 3, without reference to committee, for purpose of adoption.

**Assembly Concurrent Resolution No. 3**—Relative to approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the second day of November, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Rich, Schottky, Slater, Swing, Tickle, Wag, Westover, and Young—32.

NOES—None.

Assembly Concurrent Resolution No. 3 ordered transmitted to the Assembly.

**Consideration of Assembly Concurrent Resolution No. 4.**

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 4, without reference to committee, for purpose of adoption.

**Assembly Concurrent Resolution No. 4**—Relative to approving amendments to the charter of the city of Santa Monica, State of Cali-

fornia, ratified by the qualified electors of said city at a general municipal election held therein on the seventh day of December, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Duell, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Riel, Schottky, Slater, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Assembly Concurrent Resolution No. 4 ordered transmitted to the Assembly.

### **Consideration of Assembly Concurrent Resolution No. 5.**

Senator Young asked for, and was granted unanimous consent for the consideration of Assembly Concurrent Resolution No. 5, without reference to committee, for purpose of adoption.

**Assembly Concurrent Resolution No. 5**—Relative to approving two certain amendments to the charter of the city of San Jose, in the county of Santa Clara, State of California, voted for and ratified by the electors of said city at a special election held therein on the nineteenth day of October, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Allen, Biggar, DeLap, Duell, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Assembly Concurrent Resolution No. 5 ordered transmitted to the Assembly.

### **Consideration of Assembly Concurrent Resolution No. 6.**

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 6, without reference to committee, for purpose of adoption.

#### **Assembly Concurrent Resolution No. 6.**

Relative to the Golden Jubilee Anniversary of the Press Club of San Francisco.

WHEREAS, One of the foundations of our democratic form of government is a free press; and

WHEREAS, The men engaged in the profession of journalism in the Territory and State of California have performed great service that has benefited the commonwealth; and

WHEREAS, Many of those men have been members of the Press Club, of San Francisco; and

WHEREAS, The Press Club of San Francisco, the oldest institution of its kind in the United States, will shortly observe the fiftieth anniversary of its founding; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California does hereby officially take notice of the golden jubilee anniversary of the Press Club of San Francisco, and extend to it the best wishes of this legislative body.*

Resolution read.

The question being on the adoption of the resolution.



The roll was called, and Assembly Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Assembly Concurrent Resolution No. 6 ordered transmitted to the Assembly.

### Consideration of Assembly Concurrent Resolution No. 7.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 7, without reference to committee, for purpose of adoption.

**Assembly Concurrent Resolution No. 7**—Relative to the approval of three certain amendments to the charter of the city of Alhambra ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of June, 1937.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 7 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Quinn, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—32.

NOES—None.

Assembly Concurrent Resolution No. 7 ordered transmitted to the Assembly.

### Consideration of Senate Bill No. 1.

#### Resolution.

The following resolution was offered:

By Senator Jespersen:

*Resolved*, That Senate Bill No. 1 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—33.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 1.

#### Third Reading of Senate Bill No. 1.

**Senate Bill No. 1**—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

Bill read third time.



**Urgency Clause.**

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately.

The following is a statement of the facts constituting such necessity: Many school districts within the State of California are without sufficient money with which to purchase school lots or to build or purchase school buildings or to make alterations or additions to the school building or buildings, or to repair, restore or rebuild school buildings damaged, injured or destroyed by fire or other public calamity, or to supply school buildings with furniture or necessary apparatus of a permanent nature. Many school districts have within the last eight months voted bonds for raising money for such purposes, or some of them, and the proceedings in some of such bond elections were irregular and, by reason of such irregularities, such bonds can not now be sold. The population of some of these districts has increased so rapidly that the present school facilities of such districts are unable to meet the needs of the great increase of pupils in such districts, and the present buildings thereof are in some cases overcrowded, with possible injury to the health of such pupils and with danger to the safety of such pupils in case of fire, and it is necessary and urgent that such bonds and the proceedings therefor be validated immediately in order that said bonds may be sold and said school buildings, lots, equipment and facilities purchased or built at once. Bonds have also been voted to raise money to rebuild or reconstruct, in whole or in part, school buildings destroyed or seriously injured by earthquake, or to strengthen buildings now deemed unsafe in case of earthquake, and such rebuilding or reconstruction or strengthening is required immediately in order to protect the health and safety of school children. Because of irregularities some bonds voted for such purposes can not now be sold, but can be sold and the moneys therefrom be made available at once if this act goes into effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Schottky, Seawell, Slater, Tickle, Waggy, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Phillips, Pierovich, Schottky, Seawell, Slater, Tickle, Waggy, Westover, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 1 ordered transmitted to the Assembly.

**Recess.**

At twelve o'clock noon, on motion of Senator Mixter, the President of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 6—An act to amend an act entitled "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay Region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 6 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 4—Relative to approving certain amendments to the charter of the County of San Mateo, State of California.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolution No. 4 ordered to enrollment.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a Senate resolution was presented:

By Senators Garrison, Jespersen, Metzger, Westover, Wagy, Biggar, Olson, Seawell, Hollister, Holohan, Powers, Parkman, Crittenden, Schottky, Allen, McColl, Slater, Pierovich, Phillips, Law, McCormack, Keating, McGovern, Fletcher, Cunningham, Young, Nielsen, Mixer, and Deuel:

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: In accordance with the provisions of the rules of the Senate, we request permission to offer a Senate resolution, the title of which is set forth below:

Relating to a reiteration of faith in the Revenue Bond Act of 1937.

Respectfully submitted.

SENATORS GARRISON,  
JESPERSEN,  
METZGER,  
WESTOVER,  
WAGY,  
BIGGAR,  
OLSON,  
SEAWELL,  
HOLLISTER,  
HOLOHAN,

POWERS,  
PARKMAN,  
CRITTENDEN,  
SCHOTTKY,  
ALLEN,  
MCCOLL,  
SLATER,  
PIEROVICH,  
PHILLIPS,  
LAW,

MCCORMACK,  
KEATING,  
MCGOVERN,  
FLETCHER,  
CUNNINGHAM,  
YOUNG,  
NIELSEN,  
MIXTER,  
DEUEL.

Request referred to Committee on Rules.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Phillips for permission to offer a Senate Concurrent Resolution entitled:

Relative to a Commission on Intergovernmental Cooperation;  
Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
TICKLE.  
SLATER.  
KNOWLAND.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

**Introduction, First Reading and Reference of Bills.**

The following concurrent resolution was introduced:

**Senate Concurrent Resolution No. 7**—Relative to a Commission on Intergovernmental Cooperation.

Resolution read, ordered to print, and on file.

**Reports of Standing Committees—(Resumed).**

The following reports of standing committees were received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 8, 1938

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding section 27 to Article VI thereof, relating to the retirement of judges; Has had the same under consideration, and respectfully reports the same back, and recommends that it be considered.

(Signed out)

RICH, Chairman.  
TICKLE.  
KNOWLAND.  
SLATER.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

Assembly Constitutional Amendment No. 1 read, ordered on file.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 1—Relative to memorializing the President and Congress to award the construction of naval vessels to the Pacific Coast shipyards;

Assembly Joint Resolution No. 2—Relative to accepting a permit from the Government of the United States for the construction of a State highway, known as the Funston Avenue Approach, over certain rights of way and relating to the retrocession by the Congress of the United States of jurisdiction over the said rights of way;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

RICH, Chairman.  
KNOWLAND.  
SLATER.  
TICKLE.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

Assembly Joint Resolution No. 1 read, ordered on file.

Assembly Joint Resolution No. 2 read, ordered on file.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 11—An act to amend section 18 of an act entitled "An act imposing an excise tax on the use in this State of fuel as defined herein providing for the issuance of permits to the users of such fuel and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately," approved May 24, 1937, being Chapter 352 of the Statutes of 1937, to appropriate the moneys received in pursuance of said act;

Assembly Bill No. 13—An act to authorize the California Commission for the Golden Gate International Exposition to procure insurance;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
SLATER.  
TICKLE.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

Assembly Bill No. 11 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 13 read first time, and referred to Committee on Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 1—An act to provide that the property and bonds of housing authorities shall be exempt from taxation and assessments; to authorize certain payments in lieu of such taxes and assessments; and to provide that this act shall take effect immediately;

Assembly Bill No. 2—An act to authorize cities, cities and counties, towns, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, cities and counties, towns, counties and other political subdivisions to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities, cities and counties, and counties to make an appropriation for the first year's administrative expenses of housing authorities; to authorize certain cities, cities and counties, towns and counties to pay moneys to housing authorities; and to declare an emergency;

Assembly Bill No. 3—An act to amend section 1238 of the Code of Civil Procedure relating to the exercise of the right of eminent domain, and to provide that this act shall take effect immediately;

Assembly Bill No. 9—An act to amend the title of, and to add section 10 to, an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of contiguous territory thereto owned by the incorporated town or city desiring the annexation of the same, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of the annexed territory," approved June 13, 1933, relating to the annexation of contiguous territory not owned by the town or city;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
SLATER.  
TICKLE.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted and permission granted.

Assembly Bill No. 1 read first time, and referred to Committee on Social Security.

Assembly Bill No. 2 read first time, and referred to Committee on Social Security.

Assembly Bill No. 3 read first time, and referred to Committee on Social Security.

Assembly Bill No. 9 read first time, and referred on Committee on Municipal Corporations.

### Reports of Standing Committee.

The following reports of standing committees were received and read:

#### On Engrossing, Enrolling and Printing.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act; And reports that the same has been correctly engrossed.

METZGER, Chairman.



**On Roads and Highways.**

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred:

Senate Bill No. 4—An act to add section 508 to the Streets and Highways Code, relating to State highways;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

MCCORMACK, Chairman.

**Second Reading of Senate Bill No. 4.**

Senate Bill No. 4—An act to add section 508 to the Streets and Highways Code, relating to State highways.

Bill read second time, ordered to engrossment, and on file for third reading.

**Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following messages from the Governor:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, March 7, 1938.

*To the Honorable Members of the Senate,*

*State of California, Sacramento, California.*

GREETINGS: I am pleased to inform you that on the twenty-second day of September, 1937, I appointed, subject to the advice and consent of the Senate, Donald Kolts of Los Angeles, as a member of the Board of Prison Directors, for the term ending January 12, 1940.

Requesting your approval of the same, I am

Respectfully yours,

FRANK F. MERRIAM, Governor of California.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, March 7, 1938.

*To the Honorable Members of the Senate,*

*State of California, Sacramento, California.*

GREETINGS: I am pleased to inform you that on the thirty-first day of January, 1938, I appointed, subject to the consent of two-thirds of the members of the Senate, as members of the State Board of Education, the following: Armistead B. Carter of San Diego, and Daniel C. Murphy of San Francisco, for the term ending January 15, 1942.

Requesting your approval of the same, I am

Respectfully yours,

FRANK F. MERRIAM, Governor of California.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, March 7, 1938.

*To the Honorable Members of the Senate,*

*State of California, Sacramento, California.*

GREETINGS: I am pleased to inform you that on the sixteenth day of August, 1937, I appointed, subject to the consent of two-thirds of the members of the Senate, as members of the State Board of Education, the following: Edna Stangland Kasch of Ukiah, and Ford A. Chatters of Lindsay, for the term ending January 15, 1941.

Requesting your approval of the same, I am

Respectfully yours,

FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointments be confirmed.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.



### Consideration of Appointment by the Governor.

#### Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment of Donald Kolts of Los Angeles as a member of the Board of Prison Directors.

The President put the question, "Will the Senate confirm and consent to the appointment of Donald Kolts?"

The roll was called, with the following result:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Jespersen, Keating, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

NOES—None.

#### Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Donald Kolts as a member of the Board of Prison Directors.

### Consideration of Appointment by the Governor.

#### Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment of Armistead B. Carter of San Diego as a member of the State Board of Education.

The President put the question, "Will the Senate confirm and consent to the appointment of Armistead B. Carter?"

The roll was called, with the following result:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

NOES—None.

#### Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Armistead B. Carter as a member of the State Board of Education.

### Consideration of Appointment by the Governor.

#### Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment of Daniel C. Murphy of San Francisco as a member of the State Board of Education.

The President put the question, "Will the Senate confirm and consent to the appointment of Daniel C. Murphy?"

The roll was called, with the following result:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.

NOES—None.

#### Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Daniel C. Murphy, as a member of the State Board of Education.

### Consideration of Appointment by the Governor.

#### Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment of Edna Stangland Kasch of Ukiah as a member of the State Board of Education.

The President put the question, "Will the Senate confirm and consent to the appointment of Edna Stangland Kasch?"

The roll was called, with the following result:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

NOES—None.

#### Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Edna Stangland Kasch as a member of the State Board of Education.

### Consideration of Appointment by the Governor.

#### Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment of Ford A. Chatters of Lindsay as a member of the State Board of Education.

The President put the question, "Will the Senate confirm and consent to the appointment of Ford A. Chatters?"

The roll was called, with the following result:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—34.

NOES—None.

#### Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Ford A. Chatters as a member of the State Board of Education.

### Consideration of Assembly Constitutional Amendment No. 1.

Senator DeLap asked for, and was granted, unanimous consent for the consideration of Assembly Constitutional Amendment No. 1, for purpose of amendment.

**Assembly Constitutional Amendment No. 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding section 27 to Article VI thereof, relating to the retirement of judges.

#### Amendments from the Floor.

During the reading of Assembly Constitutional Amendment No. 1, the following amendment, offered by Senator DeLap, was read and adopted:

#### Amendment.

On page 1 of the printed measure, strike out lines 10 to 23, inclusive, and insert in lieu thereof the following:

"Sec. 27. Every justice or judge heretofore or hereafter retired under any retirement act of this State shall continue to be a judicial officer in addition to

those otherwise provided by law; provided, however, that a retired justice or judge shall exercise judicial functions only under assignment by the chairman of the Judicial Council and shall receive therefor only such compensation as may be provided by the Legislature.

Chapters 770 and 771 of the Statutes of 1937 are hereby confirmed, ratified and declared to be valid and completely effective, but the Legislature may amend, repeal and supplement these statutes."

Assembly Constitutional Amendment No. 1 ordered to print, and on file.

### **Withdrawal from Committee of Assembly Bill No. 9.**

Senator Phillips asked for unanimous consent to withdraw Assembly Bill No. 9 from the Committee on Municipal Corporations.

Consent granted.

Assembly Bill No. 9 ordered on second reading file.

### **Reports of Standing Committees—(Resumed).**

The following reports of standing committee were received and read:

#### **On Rules.**

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 6—An act to amend section 3 of an act entitled "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the Golden Gate International Exposition, declaring the urgency of this act, to take effect immediately; Has had the same under consideration, and respectfully reports the same back, and recommends that it be considered.

(Signed out)

RICH, Chairman.  
TICKLE.  
KNOWLAND.  
McCOLL.  
SLATER.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

Assembly Bill No. 6 read first time, and referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senators Garrison et al. for permission to introduce a Senate resolution entitled: Relating to a reiteration of faith in the Revenue Bond Act of 1937;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
TICKLE.  
KNOWLAND.  
McCOLL.  
SLATER.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

### **Resolution.**

The following resolution was offered:

By Senators Garrison, Jespersen, Metzger, Westover, Wagy, Biggar, Olson, Seawell, Hollister, Holohan, Powers, Parkman, Crittenden, Schottky, Allen, McColl, Slater, Pierovich, Phillips, Law, McCormack,

Keating, McGovern, Fletcher, Cunningham, Young, Nielsen, Mixter, and Deuel:

**Senate Resolution.**

Relating to a reiteration of faith in the Revenue Bond Act of 1937.

WHEREAS, It is for the best interest of the people of the State of California that legislation be enacted under which public utilities, agricultural fairs, harbor improvements, toll bridges, irrigation systems, and other needed public improvements may be financed by bonds that are a lien only on the revenue from the project and not a mortgage on the farms and homes of our people; and

WHEREAS, Such legislation is successfully operating in some 40 States of this Nation with tremendous benefit to the people, and is absolutely necessary for the successful fruition of the Central Valleys and other great public projects in California; and

WHEREAS, The California Legislature at its fifty-first session, and again at its fifty-second session, considered this problem thoroughly, giving ample opportunity for every argument to be presented against such legislation and, after due deliberation, passed the Revenue Bond Act of 1937 without a dissenting vote in the Senate and by an overwhelming vote in the Assembly; and

WHEREAS, This act, after having been signed by the Governor, is now held in suspense by a referendum and will come before the voters for approval at the general election in November; now, therefore, be it

*Resolved, That the California State Senate* reiterate its faith in the economic soundness of this legislation and most respectfully recommend that the voters vote "Yes" to sustain the Revenue Bond Act at the coming general election.

Resolution read, and ordered printed in the Journal.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator McColl:

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 641 to the Streets and Highways Code, establishing certain additional State highways.

Respectfully submitted,

SENATOR MCCOLL.

Request referred to Committee on Rules.

**Adjournment.**

At two o'clock and fifty minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned until eleven o'clock a.m., Thursday, March 10, 1938.

ELLSWORTH W. SCAMMON, Minute Clerk.

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**IN SENATE**

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SENATE CHAMBER,  
SACRAMENTO, Thursday, March 10, 1938.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Roll Call.**

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holoban, Jespersen, Keating, Knowland, Law, Mc-



Bride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—38.

Quorum present.

### Prayer.

Upon invitation of the President of the Senate, prayer was offered by the Rev. F. J. Deschenes.

### Reading of the Journal.

During the reading of the Journal of Wednesday, March 9, 1938, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. P. W. Thornberry, of Winters, and R. J. Meade, principal, and the following named teachers and students of the eighth grade of the Winters Grammar School: Miss Evelyn Niemann, and Mr. Lloyd Adams, teachers; and Marilyn Thornberry, Betty Vasey, Patricia Vasey, Bonnie Donaldson, Eileen Cappeck, H. K. Watterson, Bert Coman, Eddie Hamakawa, Bobbie Kohama, William Furuta, Boyd Hall, Ruth Hall, Donald Gale, Ernest Smalley, Marvel Johnson, Laverne Leggett, Laverne Baker, Elmer Scott, Frank Lopez, Mildred Collado, James Hale, and Berniece Fulton, students.

On request of Senator Law, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Jane Little and Captain Frank Oswalt, both of El Centro.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following teachers and students of the University High School of Oakland: Betty Jeanne Alexander, Doris Almquist, Richard Berggren, John Buckingham, Helen Challoner, Margaret Challoner, Grace Coburn, Eleanor Coy, Carleton Cross, Jean Douglas, Alfred Engstrom, Henry Ferree, Charles Gray, Barbara Hall, Wesley Hansen, Jack Hofmann, Betty Irwin, Florence Levinson, Mercedes Lowell, Anne Maslin, Francis Mahoney, Dorothy Marini, Shirley Murdoch, Stephen Myers, Sheila Northcut, Helen Pehrson, Ross Rodgers, Ray Schwartz, Mary Alice Sneed, Lee Tune, Catherine Wilding, and Sophie Zane, students, and Henry Meckel, Louis Swenson, Marietta Eisenberger, and Jane Schmitton, teachers.

On request of Senator Waggy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Emory Gay Hoffman, of Bakersfield, Secretary of the Kern County Chamber of Commerce.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Will R. Sharkey of Martinez.

### President of the Senate in the Chair.

At eleven o'clock and five minutes a.m., Hon. George J. Hatfield, President of the Senate, in the chair.

### Reports of Standing Committees.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Metzger for permission to introduce a resolution entitled:

Relating to National Labor Relations elections;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

#### Resolution.

The following resolution was offered:

By Senator Metzger:

WHEREAS, There has been held among the employees of the Pacific Gas and Electric Company an election for the purpose of selecting a bargaining agent for the employees, at which election the overwhelming majority of votes was in favor of the California Gas and Electric Employees' Union as such bargaining agent; and

WHEREAS, The employees affiliated with the Committee for Industrial Organization have made charges contesting the election, as a result of which it is reported that the National Labor Relations Board is contemplating a second election, with a consequent delay in the determination of the pressing question as to who is to be the bargaining agent; and

WHEREAS, The long and unreasonable delay incident to the charges and the failure of the National Labor Relations Board to recognize the first election are inimical to the best interests of the people of the State of California in that industrial unrest is promoted; now, therefore, be it

*Resolved by the Senate of the State of California*, That the President and the Congress of the United States are memorialized and petitioned to enact legislation to make impossible delays in elections conducted by the National Labor Relations Board; and be it further

*Resolved*, That copies of this resolution be transmitted to the President and Vice President of the United States, to the Speaker of the House, and to the Senators and Representatives of the State of California in Congress.

Resolution read, and ordered printed in the Journal.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request by Senator McColl for permission to introduce a bill entitled:

An act to add section 641 to the Streets and Highways Code, establishing certain additional State highways;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Bill No. 7:** By Senator McColl—An act to add section 641 to the Streets and Highways Code, establishing certain additional State highways.

Senate Bill No. 7 read first time, and referred to Committee on Roads and Highways.

## Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

### On Social Security.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Social Security, to which was referred: Assembly Bill No. 3—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain, and to provide that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

## Second Reading of Assembly Bill No. 3.

**Assembly Bill No. 3**—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain, and to provide that this act shall take effect immediately.

Bill read second time.

### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Unemployment and the existence of unsafe, insanitary and congested dwelling accommodations has produced an alarming economic condition in this State. The immediate adoption of this act will enable many housing projects to be undertaken in this State which otherwise can not be financed at this time. This development and construction will furnish employment to many persons now idle, and enable them to become self-supporting, and will alleviate the aforesaid housing conditions.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Law, McBride, McCormack, Mixter, Parkman, Phillips, Pierovich, Quinn, Rich, Slater, Swing, and Wagy—22.

The Secretary announced the absentees.

Time, eleven o'clock and fifteen minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

## Proceedings Under Call of the Senate.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

**Assembly Bill No. 4**—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties; to

define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing Bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency.

Assembly Bill No. 25—An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled "An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes therein specified.

JAMES G. SMYTH, Chief Clerk of the Assembly.  
By E. A. TOOK BERRY, Assistant Clerk.

Assembly Bill No. 4 referred to Committee on Rules.

Assembly Bill No. 25 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 1 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 1—Relative to the study and investigation of the cost of aid to the aged.

Assembly Concurrent Resolution No. 9—Relative to the passing of the Honorable Frank G. Martin.

Assembly Concurrent Resolution No. 10—Relative to the death of the Honorable Frank J. Waters.

Assembly Concurrent Resolution No. 11—Relative to calling a special session to provide legislation for reimbursing private persons and public agencies for loss and damage sustained by them during the recent floods.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 1 referred to Committee on Rules.

Assembly Concurrent Resolution No. 9 referred to Committee on Rules.

Assembly Concurrent Resolution No. 10 referred to Committee on Rules.

Assembly Concurrent Resolution No. 11 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 8—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs.

Assembly Bill No. 16—An act to submit to the people at the general election in November, 1938, amendments proposed to the Constitution of the State of California by the extraordinary session of the Legislature, to take effect immediately.

Assembly Joint Resolution No. 4—Relative to relief of hardship and destitution caused by floods.

Assembly Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 8 referred to Committee on Rules.



Assembly Bill No. 16 referred to Committee on Rules.

Assembly Joint Resolution No. 4 referred to Committee on Rules.

Assembly Joint Resolution No. 5 referred to Committee on Rules.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Social Security.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 2—An act to authorize cities, cities and counties, towns, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, cities and counties, towns, counties and other political subdivisions to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities, cities and counties, and counties to make an appropriation for the first year's administrative expenses of housing authorities; to authorize certain cities, cities and counties, towns and counties to pay moneys to housing authorities; and to declare an emergency; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—2; noes—1.

WESTOVER, Chairman.

### Consideration of Daily File.

#### Second Reading of Assembly Bills.

Assembly Bill No. 2—An act to authorize cities, cities and counties, towns, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, cities and counties, towns, counties and other political subdivisions to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities, cities and counties, and counties to make an appropriation for the first year's administrative expenses of housing authorities; to authorize certain cities, cities and counties, towns and counties to pay moneys to housing authorities; and to declare an emergency.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 9—An act to amend the title of, and to add section 10 to, an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of contiguous territory thereto owned by the incorporated town or city desiring the annexation of the same, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of the annexed territory." approved June 13, 1933, relating to the annexation of contiguous territory to municipal corporations.

Bill read second time, and ordered on file for third reading.

### Consideration of Assembly Joint Resolution No. 1.

Senator McCormack asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 1, without reference to committee, for purpose of adoption.

## Assembly Joint Resolution No. 1.

Relative to memorializing the President and Congress to award the construction of naval vessels to the Pacific Coast shipyards.

WHEREAS, The Federal Government is providing for much needed enlargement of the defense forces of the United States and, in particular, of the naval forces; and

WHEREAS, The eastern shipyards are already working at capacity while the shipyards on the Pacific Coast have been compelled to lay off help resulting in a bad economic condition in communities dependent upon such yards; and

WHEREAS, The awarding of a large portion of the building under the new naval construction program to Pacific Coast yards would not only facilitate the speed with which such construction could be undertaken but would also relieve the economic conditions in the State of California, which is already carrying a heavy burden of transient population from other States; and

WHEREAS, It is essential to good defense policy that a portion of the fleet be kept at all times in the Pacific waters with good and efficient yards to repair and construct said ships; and

WHEREAS, A steady employment load which is created by a regular construction program enables the shipyards to retain their skilled mechanics and function more efficiently than an irregular load; and

WHEREAS, The awarding of contracts for the construction of naval forces to the Pacific Coast shipyards will be not only a benefit to the Federal Government but also to the citizens of the State of California;

*Resolved by the Assembly and the Senate of the State of California, jointly.* That the President and the Congress of the United States take all action necessary or convenient to assure the construction of battleships, cruisers and other naval equipment on the Pacific Coast and that they make all necessary provision for such construction at their own Government yard at Mare Island, if any, which may be necessary so that construction may be begun at all Pacific Coast yards at the earliest possible date.

*Resolved.* That the chief clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and member of the House of Representatives from California in the Congress of the United States and to the Secretary of the Navy at Washington, D. C. and that they be urged to support an extensive naval construction program for the Pacific Coast shipyards.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and Assembly Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Knowland, Law, McColl, McCormack, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—30.

NOES—None.

Assembly Joint Resolution No. 1 ordered transmitted to the Assembly.

## Consideration of Senate Joint Resolution No. 2.

Senator Swing asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 2, without further reference to committee, for purpose of adoption.

## Senate Joint Resolution No. 2.

Relative to memorializing the President and the Congress of the United States to make available Federal funds for flood relief.

WHEREAS, In the wake of a succession of recent unprecedented storms and floods which have resulted in a deplorable loss of life and destruction of property, the State of California faces relief and reconstruction problems reaching the proportions of a major disaster; and

WHEREAS, The total public and private losses sustained will exceed \$52,000,000, according to conservative estimates prepared by State engineers and by representatives of various counties and cities; and

WHEREAS, Every resource of its citizenry and of its State, county and municipal governments is being employed to relieve suffering and to effect essential restoration of its highways, bridges, streets and flood control works; and

WHEREAS, California moneys available for flood relief and for highway and flood control repair and maintenance, together with supplementary funds potentially available for such purposes, is not expected to exceed \$11,000,000; and

with this State in the common cause of reducing the burdens which are imposed upon the citizens of every State by governmental confusion, competition and conflict.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 7 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, Metzger, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—31.

NOES—None.

Senate Concurrent Resolution No. 7 ordered transmitted to the Assembly.

### Consideration of Assembly Constitutional Amendment No. 1.

Senator DeLap asked for, and was granted, unanimous consent for the consideration of Assembly Constitutional Amendment No. 1, without reference to committee, for purpose of adoption.

#### Assembly Constitutional Amendment No. 1.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding section 27 to Article VI thereof, relating to the retirement of judges.

*Resolved by the Assembly, the Senate concurring.* That the Legislature of the State of California at the first special session of the fifty-second Legislature commencing on the seventh day of March, 1938, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding to Article VI thereof a new section, to be numbered 27 and to read as follows:

SEC. 27. Every justice or judge heretofore or hereafter retired under any retirement act of this State shall continue to be a judicial officer in addition to those otherwise provided by law; provided, however, that a retired justice or judge shall exercise judicial functions only under assignment by the chairman of the judicial council and shall receive therefor only such compensation as may be provided by the Legislature.

Chapters seven hundred seventy and seven hundred seventy-one of the Statutes of 1937 are hereby confirmed, ratified and declared to be valid and completely effective, but the Legislature may amend, repeal and supplement these statutes.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 1 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—30.

NOES—None.

Assembly Constitutional Amendment No. 1 ordered transmitted to the Assembly.

### Consideration of Assembly Bill No. 9.

The following resolution was offered:

By Senator Phillips:

#### Resolution.

*Resolved.* That Assembly Bill No. 9 presents a case of urgency as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—32.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 9.

#### Third Reading of Assembly Bill No. 9.

**Assembly Bill No. 9**—An act to amend the title of, and to add section 10 to, an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of contiguous territory thereto owned by the incorporated town or city desiring the annexation of the same, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of the annexed territory," approved June 13, 1933, relating to the annexation of contiguous territory to municipal corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 9 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Schottky, Slater, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Assembly Bill No. 9 ordered transmitted to the Assembly.

#### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

##### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 4—An act to add section 508 to the Streets and Highways Code, relating to State highways;

Senate Bill No. 5—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipal corporations where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipal corporation voting upon the question of incurring such bonded indebtedness; providing for a levy of taxes to pay the principal and interest of such bonds; and declaring the urgency of this act.

And reports that the same have been correctly engrossed.

METZGER, Chairman.

#### Third Reading of Senate Bill No. 5.

**Senate Bill No. 5**—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipal corporations where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipal corporation voting upon the question of incurring such bonded indebtedness; providing for a levy of taxes to pay the principal and interest of such bonds; and declaring the urgency of this act.

Bill read third time.



**Urgency Clause.**

SEC. 4. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health and safety that this act shall, and it shall, go into immediate effect. The following is a statement of the facts constituting such necessity:

Various municipal corporations in this State have taken proceedings to incur bonded indebtedness for the acquisition, construction or completion of necessary public buildings, public works and other public improvements (including sewage disposal systems and systems of adequate water supply) and other proper municipal purposes. Purported irregularities in such proceedings for the incurring of such bonded indebtedness have or will delay the issuance of the bonds or the use of the proceeds thereof for the purposes for which such bonds were voted. Immediate validation of such bonds will permit the sale thereof and the use of the proceeds of such sale or sales at once or in the near future; the construction of such public works will tend to relieve unemployment and preserve the public peace, health and safety; and the speedy installation of such sewage disposal systems and the acquisition or construction of such systems of water supply and other public improvements will also remove dangers to public peace, health and safety arising out of the lack of such sewage disposal systems and of such supplies of water and other public improvements.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 5 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 5 ordered transmitted to the Assembly.

**Re-reference of Senate Bill No. 7.**

Senator McCormack moved that Senate Bill No. 7 be withdrawn from Committee on Roads and Highways and referred to Committee on Rules.

Motion carried, and such was the order.

(NOTE.—Senate Bill No. 7 was never printed. It was allowed to die in Committee on Rules.—J. A. Beek, Secretary of Senate.)

**Reports of Standing Committees—(Resumed).**

The following reports of standing committees were received and read:

**On Social Security.**

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding a new section numbered 11 to Article XVI thereof, relating to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

WESTOVER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 1—An act to provide that the property and bonds of housing authorities shall be exempt from taxation and assessments; to authorize certain payments in lieu of such taxes and assessments; and to provide that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—2; noes—1.

WESTOVER, Chairman.

#### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 3—An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78, 83, 85a and 86 of, and to add sections 3a, 75a, and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System and to retirement of employees of the University of California;

Assembly Bill No. 13—An act to authorize the California Commission for the Golden Gate International Exposition to procure insurance;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

SEAWELL, Chairman.

#### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 11—An act to amend section 18 of an act entitled "An act imposing an excise tax on the use in this State of fuel as defined herein providing for the issuance of permits to the users of such fuel and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately," approved May 24, 1937, being Chapter 352 of the Statutes of 1937, to appropriate the moneys received in pursuance of said act;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

KNOWLAND, Chairman.

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 2—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817h6, 3817c6, and 3817k thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; noes—2.

KNOWLAND, Chairman.

#### On Insurance.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Bill No. 6—An act to amend sections 3664b, 3666a, 3668, 3668b, 3668c and 3669 of the Political Code, all relating to the taxation of insurance companies and associations under the provisions of Article XIII of the Constitution of this State, and providing that this act shall take effect upon the effective date of Senate Constitutional Amendment No. 1, proposed at the extraordinary session of the Legislature commencing on the seventh day of March, 1938;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—6; committee vote: Ayes—4; absent—2.

PARKMAN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Insurance, to which was referred:

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding

to Article XIII thereof a new section to be numbered 14½, relating to the taxation of insurance companies and associations;  
Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—6; committee vote: Ayes—4; absent—2.

PARKMAN, Chairman.

### Second Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 1**—An act to provide that the property and bonds of housing authorities shall be exempt from taxation and assessments; to authorize certain payments in lieu of such taxes and assessments; and to provide that this act shall take effect immediately.

Bill read second time.

#### Urgency Clause.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Unemployment and the existence of unsafe, insanitary and congested dwelling accommodations has produced an alarming economic condition in the State of California. The immediate adoption of this act will enable many housing projects to be undertaken in this State which otherwise can not be financed at this time. This development and construction will furnish employment to many persons now idle, and enable them to become self-supporting, and will alleviate the aforesaid housing conditions.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Ducl, Fletcher, Garrison, Gordon, Hays, Hollister, Knowland, McBride, McColl, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—28.

NOES—Senators Law, and Quinn—2.

Assembly Bill No. 1 ordered on file for third reading.

**Assembly Bill No. 13**—An act to authorize the California Commission for the Golden Gate International Exposition to procure insurance.

Bill read second time, and ordered on file for third reading.

**Assembly Bill No. 11**—An act to amend section 18 of an act entitled "An act imposing an excise tax on the use in this State of fuel as defined herein providing for the issuance of permits to the users of such fuel and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately," approved May 24, 1937, being Chapter 352 of the Statutes of 1937, to appropriate the moneys received in pursuance of said act.

Bill read second time, and ordered on file for third reading.

### Second Reading of Senate Bills.

**Senate Bill No. 3**—An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78, 83, 85a and 86 of, and to add sections 3a, 75a, and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement

ment System and to retirement of employees of the University of California.

Bill read second time, ordered to engrossment, and on file for third reading.

**Senate Bill No. 2**—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817c6, and 3817k thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 2 were read and adopted:

##### Amendment No. 1.

On page 1, lines 2 and 3 of the title of the printed bill, strike out "and 3817k", and insert in lieu thereof the following: "3817k, and 3817.1".

##### Amendment No. 2.

On page 1, line 5 of the title of the printed bill, after "sales", insert the following: "and declaring the urgency thereof, to take effect immediately".

##### Amendment No. 3.

On page 1 of the printed bill, lines 10 and 11, strike out "April, 1939", and insert in lieu thereof the following: "August, 1938".

##### Amendment No. 4.

On page 1, line 17, of the printed bill, strike out "April 20, 1939", and insert in lieu thereof the following: "August 20, 1938".

##### Amendment No. 5.

On page 1, line 18, of the printed bill, strike out "This section does not apply", and strike out lines 19 and 20.

##### Amendment No. 6.

On page 2, line 8, of the printed bill, strike out "April 20, 1939", and insert in lieu thereof the following: "August 20, 1938".

##### Amendment No. 7.

On page 3 of the printed bill, following line 36, insert the following:  
"Sec. 6. Section 3817.1 is hereby added to the Political Code to read as follows:

3817.1. Whenever property is being redeemed, and the property does not appear on the assessment roll, the auditor may do either of the following:

(a) Require the redemptioner to pay the taxes, penalties, and costs due for the fiscal year in which redemption is made at the same time and in the same manner as the amount necessary to redeem. The auditor shall base his computation of the amount of these taxes on the valuation furnished him by the assessor for such year. In this event, the assessor shall enter the property on the roll for the fiscal year succeeding the year in which redemption is made.

(b) Require that the property be placed on the roll for the fiscal year in which redemption is made, and that taxes and penalties for such year be collected as if the property were originally on the roll. In this event, the assessor shall assess the property on the roll for the fiscal year in which redemption is made.

Sec. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: Due to the widespread depression, many taxpayers have been unable to pay their taxes, or to redeem their property from sale to the State for delinquency. By permitting redemption with reduced penalties, and payment of delinquent taxes in installments, many taxpayers will be enabled to redeem their property, restore the same to the tax rolls and thereby add needed revenue for the operation and maintenance of government.

Sec. 8. The provisions of sections 3817b6 and 3817c6 of the Political Code as added by this bill shall become operative effective April 21, 1938."

#### Urgency Clause.

Sec. 7. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: Due to the widespread depression, many taxpayers have been unable to pay their taxes, or to



redeem their property from sale to the state for delinquency. By permitting redemption with reduced penalties, and payment of delinquent taxes in installments, many taxpayers will be enabled to redeem their property, restore the same to the tax rolls and thereby add needed revenue for the operation and maintenance of government.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hollister, Holohan, Knowland, Law, McBride, McColl, McCormack, Mixer, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Bill read second time, ordered to print, engrossment, and on file for third reading.

#### Rush Order to Printer.

On motion of Senator Fletcher, the Secretary was directed to issue a rush order for printing Senate Bill No. 2.

**Senate Bill No. 6**—An act to amend sections 3664b, 3666a, 3668, 3668b, 3668e and 3669 of the Political Code, all relating to the taxation of insurance companies and associations under the provisions of Article XIII of the Constitution of this State, and providing that this act shall take effect upon the effective date of Senate Constitutional Amendment No. 1, proposed at the extraordinary session of the Legislature commencing on the seventh day of March, one thousand nine hundred thirty-eight.

Bill read second time, and ordered on file for third reading.

#### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 6—Relative to Federal tax on oil.

Assembly Joint Resolution No. 7—Relative to memorializing the President, the Congress, and the Secretary of State of the United States to protect agricultural products from unfair competition from abroad.

JAMES G. SMYTH, Chief Clerk of Assembly.

By E. A. TOOK BERRY, Assistant Clerk.

Assembly Joint Resolution No. 6 referred to Committee on Rules.

Assembly Joint Resolution No. 7 referred to Committee on Rules.

#### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

##### On Rules.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following message from the Governor:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, March 7, 1938.

*To the Honorable Members of the Senate,  
State of California, Sacramento, California.*

GREETINGS: I am pleased to inform you that on the seventeenth day of January, 1938, I appointed, subject to the advice and consent of the Senate, John

D. McGilvray of San Francisco, as a member of the Board of Prison Directors, for the term ending January 12, 1948.

Requesting your approval of the same, I am

Respectfully yours,

FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointment be confirmed.

Committee membership—5; committee vote: Ayes—5.

RIEHL, Chairman.

### Consideration of Appointment by the Governor.

#### Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment of John D. McGilvray of San Francisco as a member of the Board of Prison Directors.

The President put the question, "Will the Senate confirm and consent to the appointment of John D. McGilvray?"

The roll was called with the following result:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Delap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, McBride, McColl, McCormack, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—23.

NOES—None.

### Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of John D. McGilvray as a member of the Board of Prison Directors.

### Resolution.

The following resolution, which was printed in the Senate Journal for March 9, 1938, was taken up for consideration:

By Senators Garrison, Jespersen, Metzger, Westover, Wagy, Biggar, Olson, Seawell, Hollister, Holohan, Powers, Parkman, Crittenden, Schottky, Allen, McColl, Slater, Pierovich, Phillips, Law, McCormack, Keating, McGovern, Fletcher, Cunningham, Young, Nielsen, Mixter, and Deuel:

#### Resolution.

Relating to a reiteration of faith in the Revenue Bond Act of 1937.

WHEREAS, It is for the best interest of the people of the State of California that legislation be enacted under which public utilities, agricultural fairs, harbor improvements, toll bridges, irrigation systems, and other needed public improvements may be financed by bonds that are a lien only on the revenue from the project and not a mortgage on the farms and homes of our people; and

WHEREAS, Such legislation is successfully operating in some 40 States of this Nation with tremendous benefit to the people, and is absolutely necessary for the successful fruition of the Central Valleys and other great public projects in California; and

WHEREAS, The California Legislature at its fifty-first session, and again at its fifty-second session, considered this problem thoroughly, giving ample opportunity for every argument to be presented against such legislation and, after due deliberation, passed the Revenue Bond Act of 1937 without a dissenting vote in the Senate and by an overwhelming vote in the Assembly; and

WHEREAS, This act, after having been signed by the Governor, is now held in suspense by a referendum and will come before the voters for approval at the general election in November; now, therefore, be it

Resolved, That the California State Senate reiterate its faith in the economic soundness of this legislation and most respectfully recommend that the voters vote "Yes" to sustain the Revenue Bond Act at the coming general election.

Resolution read, and on motion of Senator Garrison adopted.

### Request for Permission to Introduce Bills.

The following request for permission to introduce a joint resolution was presented:

By Senator Powers:

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, request permission to introduce a joint resolution, the title of which is set forth below:

Relative to memorializing Secretary of Agriculture, Henry A. Wallace.

Respectfully submitted.

SENATOR POWERS.

Request referred to Committee on Rules.

The following request for permission to introduce a Senate resolution was presented:

By Senator Jespersen:

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, request permission to introduce a Senate resolution, the title of which is set forth below:

Relating to transportation of grains.

Respectfully submitted.

SENATOR JESPERSEN.

Request referred to Committee on Rules.

### Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and fifteen minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 3 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Harrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.  
 NOES—None.

Assembly Bill No. 3 ordered on file for third reading.

### Communication.

The following communication was received, and upon motion of Senator Rich, ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
 SACRAMENTO, CALIFORNIA, March 9, 1938.

Honorable W. P. Rich, Senate Chamber,  
 State Capitol, Sacramento, California.

IN RE: Assembly Bills Nos. 1, 2, 3 and 4,  
 Low-cost Housing.  
 Request No. 9586.

DEAR SENATOR RICH: You have asked us whether any of the bills above named appropriates to the proposed housing authority any State funds or authorizes any contribution by the State to such authority.

In reply, we wish to express the opinion that there is nothing in any of the bills named that directly makes such a contribution by the State or authorizes any officer or agency of the State to expend State funds or make any other type of contribution to such authority.

Trusting that this opinion answers your inquiry, we remain,

Very truly yours,

FRED B. WOOD, Legislative Counsel.  
 By IRA J. DARLING, Assistant Counsel.

## STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,

SACRAMENTO, CALIFORNIA, March 9, 1938.

Honorable W. P. Rich, Senate Chambers,  
State Capitol, Sacramento, California.

SUBJECT: Tax and Assessment Exemption of Housing Authority Property and Bonds.

DEAR SENATOR RICH:

**Question:** You have asked us whether the property or bonds of a housing authority would be exempt from taxation or special assessment if Assembly Bill No. 1, which expressly makes such an exemption, is defeated and Assembly Bills Nos. 2, 3 and 4, covering the remainder of the housing authority program, are enacted. Assuming that defeat of Assembly Bill No. 1 would have no effect on such exemption, you have asked us whether the other bills could be amended to remove such exemption.

**Opinion:** It is our opinion that the property and bonds of housing authorities will be exempt from taxation regardless of whether Assembly Bill No. 1 is enacted or not. It is also our opinion that such bonds and property will most probably be exempt from special assessments whether Assembly Bill No. 1 passes or not. Without substantial change in the entire housing authorities program, we do not believe that any amendment to Assembly Bills Nos. 2, 3 or 4 can prevent such exemption, if the property of the housing authorities is exempted by the Constitution.

**Analysis:**

I.

Article XIII, section of the State Constitution, provides in part as follows:

" . . . . . property . . . . . such as may belong to . . . . . this State, or to any county, city and county, or municipal corporation within this State shall be exempt from taxation . . . . ."

This is a provision of a statutory character and is self-executing. "These are in fact but laws made directly by the people instead of by the Legislature and they are to be construed and enforced, in all respects, as though they were statutes . . . . . In effect, these constitutional provisions are but statutes which the Legislature can not repeal or amend." *Winchester vs. Powers*, 136 Cal. 432, at 439.

II.

"Taxation," as used in section 1 of Article XIII of the Constitution, relates to such general taxes on property as are levied to defray the ordinary expenses of government, and not to special assessments for improvements, such as street improvements. This is the well-established law in this State, based on the decision in *Emery vs. San Francisco Gas Company*, 28 Cal. 345, which construed an analogous reference to taxation of property in section 12 of Article XI of the 1849 Constitution.

Property belonging to the State or to the political subdivisions mentioned is exempt from taxation. *Webster vs. Board of Regents* (1912) 163 Cal. 705; *State Land Settlement Board vs. Henderson* (1925) 197 Cal. 470.

III.

The property of a public agency or public corporation is the same as the property of the State and is therefore exempt. *Reclamation District 551 vs. County of Sacramento* (1901) 134 Cal. 477; *Turlock Irrigation District vs. White* (1921) 186 Cal. 183.

The property of a public corporation which is a public agency of a county or municipal corporation would similarly seem to be exempt according to the reasoning given in *Reclamation District 551 vs. County of Sacramento*, supra.

IV.

The housing authorities created by Assembly Bill No. 4 are defined to be "public corporations" in subdivision (a) of section 3 of Assembly Bill No. 4. The nature of the housing authority created is such that it appears to us to be a public corporation regardless of whether expressly so defined or not. As public corporations they are entitled to constitutional tax exemption on property.

Since this is true, the property of such corporations appears to be exempt from taxation under section 1 of Article XIII of the Constitution, and the bonds of such housing authorities are exempt from taxation under section 14 of Article XIII of the Constitution.

V.

If such housing authorities were held not to be public corporations, Assembly Bill No. 1 would be unconstitutional in so far as it purported to exempt the real property of such housing authorities from taxation. The personal property could be exempted by a two-thirds vote under section 14 of Article XIII of the Constitution. In such event, as the bonds are personal property, they, too, could be exempted by a two-thirds vote. At present they are exempt under section 3627a of the Political Code. *Pacific Co. vs. Board of Supervisors* (1937), 8 Cal. (2d) 611.



## VI.

Certain publicly owned land is subject to special assessments, as distinguished from taxation, if (1) there is specific provision in the law for such assessments, or (2) the land is not devoted to public use. *Inglewood vs. County of Los Angeles* (1929) 207 Cal. 697; *City of Fresno vs. Fresno Irrigation District* (1925) 72 Cal. App. 503; *San Diego vs. Linda Vista Irrigation District* (1895) 108 Cal. 189.

It appears to us from the nature of the housing authority program that the property of a housing authority is used for a public use and would therefore be exempt from such special assessments regardless of whether Assembly Bill No. 1 is enacted or not. If it were held that the property of a housing authority was not the subject of a public use, then such property would be subject to special assessments if Assembly Bill No. 1 were not enacted.

If we can be of any further assistance to you in this matter, do not hesitate to call on us.

Very truly yours,

FRED B. WOOD, Legislative Counsel.  
By ALVIN P. JACOBS, Assistant Counsel.

### Consideration of Assembly Joint Resolution No. 2.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 2, without further reference to committee, for purpose of adoption.

#### Assembly Joint Resolution No. 2.

Relative to accepting a permit from the Government of the United States for the construction of a State highway, known as the Funston Avenue Approach, over certain rights of way and relating to the retrocession by the Congress of the United States of jurisdiction over the said rights of way.

WHEREAS, The Department of Public Works of the State of California has made application on behalf of the State of California to the Secretary of War of the United States for the grant of a permit for a right of way for the construction of a portion of State highway route 56 through the Presidio of San Francisco, a military reservation of the Government of the United States, which State highway is commonly known as the Funston Avenue approach to the Golden Gate Bridge, and which application is now pending in the office of the Secretary of War of the United States; and

WHEREAS, It is anticipated that the said permit will require as a condition precedent to the taking effect thereof that the State of California accept the same and agree to certain conditions relative to jurisdiction over said right of way; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the State of California does hereby make application to Congress for a retrocession of jurisdiction over the rights of way described in said application now on file if the permit therefor be granted by the Secretary of War and will, in case such retrocession of jurisdiction is granted by Congress, accept the same and will assume the responsibility for managing, controlling, policing and regulating traffic thereon, all subject to the following limitations and to such other limitations as Congress may prescribe:

(1) That whenever in the judgment of the Secretary of War or his authorized representative an emergency exists which justifies it, he may assume exclusive control and management of such road, and may then in his discretion prohibit, limit, or regulate traffic thereon, and, for the passage of troops across the road, the Commanding General, 9th Corps Area, may suspend traffic on said road while the troops are crossing.

(2) The United States shall not be responsible for damages to property or injuries to persons upon said roads, or for damages to persons or property which may arise incident to the construction, maintenance or operation of said road, and the grantee shall save the United States harmless from any claims for such damages.

(3) That the rights hereby granted shall be subject to such rules and regulations as may from time to time be prescribed by the Secretary of War or his authorized representative, and subject also to any conditions which Congress may prescribe; and be it further

*Resolved*, That the State of California does hereby agree to make the said highway in said permit described a part of the system of public highways of the State and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States, Secretary of War, to each house of Congress and to the Senator and Representatives in Congress from the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—36.

NOES—None.

Assembly Joint Resolution No. 2 ordered transmitted to the Assembly.

### Consideration of Senate Bill No. 4.

#### Resolution.

The following resolution was offered:

By Senator Slater:

*Resolved*, That Senate Bill No. 4 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote.

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, Westover, and Young—31.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 4.

#### Third Reading of Senate Bill No. 4.

**Senate Bill No. 4**—An act to add section 508 to the Streets and Highways Code, relating to State highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 4 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Fletcher, Hollister, Holohan, Keating, Law, McBride, McColl, McCormack, McGovern, Parkman, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Wagy, and Young—22.

NOES—Senators Biggar, DeLap, Deuel, Gordon, Hays, Jespersen, Knowland, Metzger, Mixter, Phillips, Rich, and Westover—12.

Title read and approved.

Senate Bill No. 4 ordered transmitted to the Assembly.

#### Recess.

At one o'clock and twenty-five minutes p.m., on motion of Senator Rich, the President pro tem of the Senate declared recess until three o'clock p.m.

### Reconvened.

At three o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Reports of Standing Committees—(Resumed).

The following reports of standing committees were received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 25—An act making an appropriation to the emergency fund, specified in Item 189 of section 1 of an act entitled "An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes herein specified;

Has had the same under consideration, and respectfully reports the same back, and recommends that the bill be considered.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.

Upon motion of Senator Rich the report of the Committee on Rules was adopted.

Assembly Bill No. 25 read first time, and referred to Committee on Finance.

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XIII thereof a new section to be numbered 14½, relating to the taxation of insurance companies and associations;

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding a new section numbered 11 to Article XVI thereof, relating to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare;

Senate Bill No. 3—An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78, 83, 85a and 86 of, and to add sections 3a, 75a, and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System and to retirement of employees of the University of California;

Senate Bill No. 6—An act to amend sections 3664b, 3666a, 3668, 3668b, 3668c and 3669 of the Political Code, all relating to the taxation of insurance companies and associations under the provisions of Article XIII of the Constitution of this State, and providing that this act shall take effect upon the effective date of Senate Constitutional Amendment No. 1, proposed at the extraordinary session of the Legislature commencing on the seventh day of March, 1938;

Senate Bill No. 2—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817c6, 3817k, and 3817.1 thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales, and declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

## Consideration of Senate Bill No. 2.

### Resolution.

The following resolution was offered:

By Senator Fletcher:

*Resolved*, That Senate Bill No. 2 presents a case of urgency as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Seawell, Slater, Swing, Wagy, Westover, and Young—30.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 2.

### Third Reading of Senate Bill No. 2.

**Senate Bill No. 2**—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817c6, 3817k, and 3817l thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 2 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Seawell, Slater, Swing, Wagy, Westover, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 2 ordered transmitted to the Assembly.

## Consideration of Senate Constitutional Amendment No. 1.

Senator Hays asked for, and was granted, unanimous consent for the consideration of Senate Constitutional Amendment No. 1, for purpose of adoption.

### Senate Constitutional Amendment No. 1.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XIII thereof a new section to be numbered 14½, relating to the taxation of insurance companies and associations.

*Resolved by the Senate, the Assembly concurring*, That the Legislature of California, in extraordinary session commencing on the seventh day of March, one thousand nine hundred thirty-eight, two-thirds of the members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposed to the people of the State of California that the Constitution of said State be amended by adding to Article XIII thereof a new section to be numbered 14½, and to read as follows:

SEC. 14½. (a) Those provisions of section 14 of this article relating to taxation of insurance companies and associations shall remain effective as to business done in this State prior to January 1, 1938, and as to the assessment, levy, collection



and adjustment of taxes with respect to such business done prior to said date; but as to such business done subsequent to December 31, 1937, those provisions of said section 14 relating to taxation of insurance companies and associations shall not apply, and the provisions of paragraph (b) of this section shall apply thereto; provided, however, that if the application of the provisions of paragraph (b) of this section to such business done in this State during any part of the calendar year 1938 should be held to be invalid by a court of final jurisdiction, then and in that event those provisions of section 14 of this article relating to taxation of insurance companies and associations shall remain effective as to business done in this State prior to January 1, 1939, and as to the assessment, levy, collection and adjustment of taxes with respect to such business; but as to such business done subsequent to December 31, 1938, those provisions of said section 14 relating to taxation of insurance companies and associations shall not apply, and the provisions of paragraph (b) of this section shall apply thereto; provided, in any case, that those provisions of paragraph (b) of this section relating to taxation of ocean marine insurance profits shall be construed as a continuation of the corresponding provisions of said section 14 relating to taxation of ocean marine insurance profits and not as a change therein.

(b) Every insurance company or association doing business in this State shall annually pay to the State a tax, assessed by the State Board of Equalization, of two and six-tenths per centum upon the amount of the gross premiums, less return premiums, received upon its business done in this State, other than premiums received for reinsurance and for ocean marine insurance; provided, that there shall be deducted from said two and six-tenths per centum upon the gross premiums the amount of any taxes paid by such companies on real estate owned by them in this State. Any tax assessed against any such insurance company or association pursuant to section 14 of this article prior to the date when this paragraph becomes operative, shall remain fully collectible, and all taxes assessable against such companies or associations pursuant to this article and which failed or shall have failed to be assessed shall remain assessable within the time now or hereafter fixed by law. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such companies or their property, except taxes upon their real estate; provided, that when by the laws of any other State or country any taxes, fines, penalties, licenses, fees, deposits of money or of securities, or other obligations or prohibitions are imposed on insurance companies of this State doing business in such other State or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money or of securities, or other obligations or prohibitions imposed upon insurance companies of such other State or country, or upon their agents therein, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other State or country doing business in this State, or upon their agents herein.

Every insurer transacting the business of ocean marine insurance in this State shall annually pay to the State a tax, assessed by the State Board of Equalization, measured by that proportion of the underwriting profit of such insurer from such insurance written in the United States, which the gross premiums of the insurer from such insurance written in this State bear to the gross premiums of said insurer from such insurance written within the United States, at the rate of five per centum, which tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such insurer, except taxes upon real estate, and such other taxes as may be assessed or levied against such insurer on account of any other class of insurance written by it. The Legislature shall define the terms "ocean marine insurance" and "underwriting profit," and shall provide for the assessment, levy, collection and enforcement of said tax.

The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may by law change the rate or rates of taxes herein imposed upon insurance companies.

The word "companies" as used in this section shall include persons, partnerships, joint stock associations, companies and corporations.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 1 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Seawell, Slater, Swing, Wagy, Westover, and Young—31.

NOES—None.

Senate Constitutional Amendment No. 1 ordered transmitted to the Assembly.

**Consideration of Senate Bill No. 6.****Resolution.**

The following resolution was offered:

By Senator Hays:

*Resolved*, That Senate Bill No. 6 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Pierovich, Rich, Seawell, Slater, Swing, Wagy, Westover, and Young—29.

**NOES**—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 6.

**Third Reading of Senate Bill No. 6.**

**Senate Bill No. 6**—An act to amend sections 3664b, 3666a, 3668b, 3668e and 3669 of the Political Code, all relating to the taxation of insurance companies and associations under the provisions of Article XIII of the Constitution of this State, and providing that this act shall take effect upon the effective date of Senate Constitutional Amendment No. 1, proposed at the extraordinary session of the Legislature commencing on the seventh day of March, 1938.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Pierovich, Rich, Seawell, Slater, Swing, Wagy, Westover, and Young—28.

**NOES**—None.

Title read and approved.

Senate Bill No. 6 ordered transmitted to the Assembly.

**Reports of Standing Committees—(Resumed).**

The following reports of standing committee were received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

**MR. PRESIDENT:** Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 4—Relative to relief of hardship and destitution caused by floods;

Assembly Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States to make available Federal funds for flood relief;

Assembly Joint Resolution No. 6—Relative to Federal tax on oil;

Assembly Joint Resolution No. 7—Relative to memorializing the President, the Congress, and the Secretary of State of the United States to protect agricultural products from unfair competition from abroad;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 1—Relative to the study and investigation of the cost of aid to the aged;

Assembly Concurrent Resolution No. 9—Relative to the passing of the Honorable Frank G. Martin;

Assembly Concurrent Resolution No. 10—Relative to the death of the Honorable Frank J. Waters;

Assembly Concurrent Resolution No. 11—Relative to calling a special session to provide legislation for reimbursing private persons and public agencies for loss and damage sustained by them during the recent floods;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 4—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency;

Assembly Bill No. 8—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs;

Assembly Bill No. 16—An act to submit to the people at the general election in November, 1938, amendments proposed to the Constitution of the State of California by the extraordinary session of the Legislature, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.

Upon motion of Senator Rich, the reports of the Committee on Rules were adopted.

Assembly Joint Resolution No. 4 read, and referred to Committee on Federal Relations.

Assembly Joint Resolution No. 6 read, and referred to Committee on Federal Relations.

Assembly Joint Resolution No. 7 read, and referred to Committee on Federal Relations.

Assembly Concurrent Resolution No. 1 read, and re-referred to Committee on Rules.

Assembly Concurrent Resolution No. 11 read, and re-referred to Committee on Rules.

Assembly Bill No. 4 read first time, and referred to Committee on Social Security.

Assembly Bill No. 8 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 16 read first time, and referred to Committee on Judiciary.

**Withdrawal and Re-reference of Assembly Concurrent Resolution No. 1.**

By order of the President of the Senate, Assembly Concurrent Resolution No. 1 was withdrawn from the Committee on Social Security, and referred to Committee on Rules.

### Consideration of Assembly Joint Resolution No. 5.

Senator Swing asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 5, without further reference to committee, for purpose of adoption.

#### Assembly Joint Resolution No. 5.

Relative to memorializing the President and the Congress of the United States to make available Federal funds for flood relief.

WHEREAS, In the wake of a succession of recent unprecedented storms and floods which have resulted in a deplorable loss of life and destruction of property, the State of California faces relief and reconstruction problems reaching the proportions of a major disaster; and

WHEREAS, The total public and private losses sustained will exceed \$52,000,000, according to conservative estimates prepared by State engineers and by representatives of various counties and cities; and

WHEREAS, Every resource of its citizenry and of its State, county and municipal governments is being employed to relieve suffering and to effect essential restoration of its highways, bridges, streets and flood control works; and

WHEREAS, California moneys available for flood relief and for highway and flood control repair and maintenance, together with supplementary funds potentially available for such purposes, is not expected to exceed \$11,000,000; and

WHEREAS, Such moneys will be totally inadequate to meet all the expenditures necessitated by the present emergency; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the State of California through its Legislature hereby respectfully requests the President and the Congress of the United States that Federal funds be made available for expenditure in the State of California for flood relief and for the repair and reconstruction of damaged highways, streets and flood control works, under the supervision of any Federal agency that might be designated; and be it further

*Resolved.* That a portion of such moneys be allocated for the support of the coordinated Federal and State program of farm debt adjustment to whose personnel has been entrusted certain details of distress relief in the rural areas; and be it further

*Resolved.* That the Governor is requested to transmit copies of this resolution to the President and to the Vice President of the United States, to the Speaker of the House of Representatives, and to the Senators and Representatives of the State of California in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 5 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Senwell, Slater, Swing, Waggy, Westover, and Young—32.

NOES—None.

Assembly Joint Resolution No. 5 ordered transmitted to the Assembly.

### Consideration of Assembly Concurrent Resolution No. 9.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 9, without further reference to committee, for purpose of adoption.

#### Assembly Concurrent Resolution No. 9.

Relative to the passing of the Honorable Frank G. Martin.

WHEREAS, It was with profound regret and a deep sense of loss that the members of the Legislature learned of the death of the Honorable Frank G. Martin, a member of the Assembly; and

WHEREAS, The Honorable Frank G. Martin devoted his every effort to the best interests of the State and its people and, by his actions, typified the highest ideals and finest examples of public service; and

WHEREAS, The high ideals thus established and the finest examples thus set by the Honorable Frank G. Martin will continue to inspire the members of the Assembly and the Senate despite his passing; now, therefore, be it



*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members of this, the fifty-second session of the Legislature, deeply regret the passing of the Honorable Frank G. Martin and desire by this simple statement to express their sympathy to those whose loss is even greater; and be it further

*Resolved,* That copies of this resolution, suitably inscribed, shall be delivered to the members of the family of the Honorable Frank G. Martin.

Resolution read, and unanimously adopted by a rising vote of the Senate.

Assembly Concurrent Resolution No. 9 ordered transmitted to the Assembly.

### Consideration of Assembly Concurrent Resolution No. 10.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 10, without further reference to committee, for purpose of adoption.

#### Assembly Concurrent Resolution No. 10.

Relative to the death of the Honorable Frank J. Waters.

WHEREAS, The Honorable Frank J. Waters has been removed from this sphere of life by Divine Providence; and

WHEREAS, The Honorable Frank J. Waters, through his fairness to both friend and foe, through his ceaseless desire to be sure of the rightness of his actions, and the justice of his cause, earned the respect and devotion of all who were associated with him; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That his fellow members, in special session assembled, do sincerely regret the passing of the Honorable Frank J. Waters and wish by this resolution to express their sympathies to Ida Waters, and to Frank J. Waters, Jr., Loughlin Waters, Ethel Waters, and Mary Waters for the loss of a devoted husband and loving father; and be it further

*Resolved,* That copies of this resolution, suitably inscribed, be presented to the members of the family of the Honorable Frank J. Waters.

Resolution read, and unanimously adopted by a rising vote of the Senate.

Assembly Concurrent Resolution No. 10 ordered transmitted to the Assembly.

### Reports of Standing Committees—(Resumed).

The following reports of standing committee were received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator McColl for permission to introduce a bill entitled:

An act to add section 641 to the Streets and Highways Code, establishing certain additional State highways;

Has had the same under consideration, and respectfully reports the same back, and recommends that the Senate refuse the request.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission refused.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 5—Relative to calling a special session to provide legislation for reimbursing private persons and public agencies for loss and damage sustained by them during recent floods;

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it be re-referred to Committee on Rules.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.

### Consideration of Committee Amendments to Senate Concurrent Resolution No. 5.

**Senate Concurrent Resolution No. 5**—Relative to calling a special session to provide legislation for reimbursing private persons and public agencies for loss and damage sustained by them during recent floods.

Pursuant to the report of the Committee on Rules, the following amendments to Senate Concurrent Resolution No. 5 were read and adopted:

#### Amendment No. 1.

On page 2, line 1, of the printed measure, after "Governor", insert a comma and the following: "unless he shall determine that the purposes herein referred to can be otherwise accomplished within a reasonable time,".

#### Amendment No. 2.

On page 2, lines 2 and 3, of the printed measure, strike out "immediately upon the adjournment of the present special session".

Senate Concurrent Resolution No. 5 ordered to reprint, and re-referred to Committee on Rules.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Jespersen for permission to introduce a Senate resolution entitled:

Relative to the Railroad Commission of the State of California.

The request of Senator Powers for permission to introduce a Senate joint resolution entitled:

Relative to memorializing Secretary of Agriculture, Henry A. Wallace; Has had the same under consideration, and respectfully reports the same back, and recommends that the requests be granted.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICII, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

### Introduction, First Reading and Reference of Bills—(Resumed).

The following joint resolution was introduced:

**Senate Joint Resolution No. 3:** By Senator Powers—Relative to memorializing the Secretary of Agriculture, Henry A. Wallace.

### Consideration of Senate Joint Resolution No. 3.

Senator Powers asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 3, without reference to committee, for purpose of adoption.

#### Senate Joint Resolution No. 3.

Relative to memorializing the Secretary of Agriculture, Henry A. Wallace.

WHEREAS, The live stock industry is the basic industry of Modoc County, California, and

WHEREAS, The ranchers of Modoc County depend entirely upon the allocations allowed them for the grazing of their live stock on the Modoc National Forest as well as on the public domain lands for the spring and summer feeding of their live stock, and this has been the practice since the year 1873, and

WHEREAS, In December, 1937, the United States Forest Service notified stockmen who graze animals on the Modoc National Forest that an intensive grazing survey made during the past few years indicated overstocking of allotments to stockmen; that reductions in the number of animals grazing on said forest must be made; that the reductions would not exceed 10 per cent for the year 1938, and

WHEREAS, Reports issued by the United States Department of Agriculture and the California Department of Agriculture show the following:

1. That on March 1, 1938, the average pasture and range conditions for Modoc County were 93 per cent of normal, as compared to 75 per cent on March 1, 1937,  
2. That the average condition of all pastures and ranges in the State of California on February 1, 1938, was 88 per cent of normal, as compared to 43 per cent in February, 1937, and 75 per cent in February, 1936, and 72 per cent as the February average for the past 10 years, and

WHEREAS, It thus appears that the survey conducted by the United States Forest Service represents conditions in subnormal years, and

WHEREAS, The county of Modoc depends principally on the live stock industry to raise revenues by taxation to meet its annual expenses, and any curtailment of the live stock industry would directly curtail revenues of the county, and of business organizations therein, and would cause serious financial hardship to stockmen; now, therefore, be it

*Resolved*, That we urge the Secretary of Agriculture not to make any reductions in the number of live stock grazed on the Modoc National Forest until a proper survey is made to determine the normal carrying capacity of said forest, and further, that we urge that surveys made under subnormal conditions be disregarded; and be it further

*Resolved*, That copies of this resolution be sent to Hon. Henry A. Wallace, Secretary of Agriculture, to F. A. Silcox, Chief of the United States Forest Service, to United States Senators Hiram W. Johnson and Wm. G. McAdoo, to all California Congressmen, to Hon. Frank F. Merriam, Governor of California, and to the Governors of the States of Oregon, Washington, Idaho, Montana, Nevada, Wyoming, Colorado, Arizona, New Mexico and Utah.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—35.

NOES—None.

Senate Joint Resolution No. 3 ordered transmitted to the Assembly.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Finance.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 25—An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled "An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes therein specified;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership 9; committee vote: Ayes—5; noes—1; absent—3.

SWING, Chairman.

### Consideration of Committee Amendments to Assembly Bill No. 25.

**Assembly Bill No. 25**—An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled "An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the gen-

eral election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes therein specified.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 25 were read and adopted:

**Amendment No. 1.**

On page 2, line 17, of the printed bill, strike out "three", and insert in lieu thereof the following: "six".

**Amendment No. 2.**

On page 2, of the printed bill, after line 21, insert the following:

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Unprecedented floods, resulting in loss of life and damage to property, coupled with increasing destitution due to and caused by unemployment, have augmented demands upon agencies of the State, which can not be met from existing appropriations, and therefore appropriation of additional moneys for the effective operations of such agencies is imperative."

**Amendment No. 3.**

On page 2, line 3, of the printed bill, strike out "\$2,000,000", and insert in lieu thereof the following: "\$5,000,000".

**Amendment No. 4.**

On page 1, line 10 of the title of the printed bill, after the word "specified", insert a comma and the following: "declaring the urgency thereof and providing that this act shall take effect immediately".

Bill read second time, ordered to print, and on file for third reading.

**Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Finance.**

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 6—An act to amend section 3 of an act entitled "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State Exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the Golden Gate International Exposition, declaring the urgency of this act, to take effect immediately; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

SWING, Chairman.

**Consideration of Committee Amendments to Assembly Bill No. 6.**

**Assembly Bill No. 6**—An act to amend section 3 of an act entitled "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State Exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the Golden Gate International Exposition, declaring the urgency of this act, to take effect immediately.



Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 6 were read and adopted:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "amend", insert the following: "the title and".

**Amendment No. 2.**

On page 1, line 1, of the printed bill, strike out "Section 3", and insert in lieu thereof the following: "The title".

**Amendment No. 3.**

On page 1 of the printed bill, between lines 2 and 3, insert the following:

"An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State Exhibit and building or buildings, defining its powers and duties, providing for expenditures in connection with district agricultural associations and other agencies, and making an appropriation therefor.

SEC. 2. Section 3 of the act cited in the title hereof is hereby amended to read as follows:"

**Amendment No. 4.**

On page 2 of the printed bill, strike out lines 24 to 31, inclusive, and insert in lieu thereof the following: "of the property of No. 1-a District Agricultural Association which said San Francisco Bay Exposition, a nonprofit corporation, or the commission, or both of them, may by contract obtain from said association the right to use for that purpose. Notwithstanding anything herein contained to the contrary, the commission is hereby authorized and directed to pay over forthwith to the State Department of Public Works out of the sum hereby appropriated the sum of five hundred thousand (500,000) dollars, or such larger or additional sum or sums as the commission may determine, to be used for the construction of buildings and improvements and for the installation of all facilities in connection therewith, for the use of No. 1-a District Agricultural Association upon property of No. 1-a District Agricultural Association, or sponsoring of any such buildings, improvements and facilities in connection with any or all agencies of the United States."

Bill read second time, ordered to print, and on file for third reading.

**Request for Permission to Introduce a Bill.**

The following request for permission to introduce a bill was presented:

By Senator Biggar:

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: In accordance with the provisions of the rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled "An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes therein specified.

Respectfully submitted,

SENATOR BIGGAR.

Request referred to Committee on Rules.

**Withdrawal from Committee of Assembly Bill No. 16.**

Senator DeLap moved that Assembly Bill No. 16 be withdrawn from Committee on Judiciary for purpose of passage.

Motion carried, and such was the order.

**Consideration of Assembly Bill No. 16.**

The following resolution was offered:

By Senator DeLap:

**Resolution.**

Resolved, That Assembly Bill No. 16 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that

section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Waggy, Westover, and Young—33.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 16.

#### Second Reading of Assembly Bill No. 16.

**Assembly Bill No. 16**—An act to submit to the people at the general election in November, 1938, amendments proposed to the Constitution of the State of California by the extraordinary session of the Legislature, to take effect immediately.

Bill read second time.

#### Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety and shall, therefore, under the provisions of section 1 of Article IV of the Constitution, take effect immediately. The facts constituting such necessity are as follows:

The Legislature in extraordinary session has considered and proposed to the people certain amendments to the Constitution relating to the levying of taxes, the retirement of judges, the administration of unemployment relief, and other matters vitally affecting the welfare of the State and its citizens. In order that the people may be informed of the contents and of the arguments for and against these proposed constitutional amendments, it is necessary that this act take effect immediately. Thus this information can be prepared for the voters prior to the election at which these constitutional amendments are to be submitted, and the right to vote may be exercised intelligently with full knowledge of the facts, thereby effectively safeguarding public peace, health and safety.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Waggy, Westover, and Young—33.

NOES—None.

#### Third Reading of Assembly Bill No. 16.

**Assembly Bill No. 16**—An act to submit to the people at the general election in November, 1938, amendments proposed to the Constitution of the State of California by the extraordinary session of the Legislature, to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 16 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride,

McColl, McCormack, Metzger, Mixter, Nielsen, Olson Parkman, Phillips, Picrovich, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagly, Westover, and Young—33.  
 NOES—None.

Title read and approved.

Assembly Bill No. 16 ordered transmitted to the Assembly.

### Motion to Reconsider.

Senator Olson moved to reconsider the vote whereby Senate Constitutional Amendment No. 1 was adopted.

### Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 1 was adopted was continued until the next legislative day.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred:

Senate Joint Resolution No. 1—Relative to memorializing Congress in relation to California's opposition to reciprocal trade agreements concerning agricultural products;

Has had the same under consideration, and respectfully reports the same back without recommendation.

(Signed out)

PHILLIPS, Chairman.  
 CUNNINGHAM.  
 HOLOHAN.

### Consideration of Senate Joint Resolution No. 1.

Senator Metzger asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 1, for purpose of adoption.

#### Senate Joint Resolution No. 1.

Relative to memorializing Congress in relation to California's opposition to reciprocal trade agreements concerning agricultural products.

WHEREAS, The economic growth and well-being of California has been built on tariff protection openly arrived at by Congress; and

WHEREAS, This policy has made possible the production and distribution of California's quality products in the home market at prices which permit American standards of living; and

WHEREAS, The production of wool, woolen fabrics, and other agricultural products is a major California activity; and

WHEREAS, Reciprocal trade agreements, secretly arrived at, threaten to destroy his American standard of living and keep business in a condition of uncertainty and retard recovery; and

WHEREAS, Reciprocal trade agreements affecting the tariffs on wool, woolen fabrics, and other agricultural products have been proposed and considered; and

WHEREAS, These secret negotiations are un-American and will be disastrous to business recovery; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the State of California be recorded as being in opposition to any reciprocal trade agreements with England or any other country in which wool, woolen fabrics, or other agricultural products are concerned; and be it further

*Resolved,* That copies hereof be sent to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Senators from California, and all members of the California delegation in the House of Representatives.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 1 adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, DeLap, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Seawell, Swing, Tickle, Wagy, Westover, and Young—30.

**NOES**—None.

Senate Joint Resolution No. 1 ordered transmitted to the Assembly.

### Requests for Permission to Introduce Bills.

The following request for permission to introduce a joint resolution was presented:

By Senator McGovern:

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

**MR. PRESIDENT:** In accordance with the provisions of the Rules of the Senate I request permission to introduce a joint resolution, the title of which is set forth below:

Relative to memorializing the President and Congress to provide for the maintenance of intercoastal steamship lines between the Atlantic seaboard and the Pacific Coast.

Respectfully submitted.

SENATOR MCGOVERN.

Request referred to Committee on Rules.

The following request for permission to introduce a resolution was presented:

By Senators Jespersen, Gordon, and Phillips:

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

**MR. PRESIDENT:** In accordance with the provisions of the Rules of the Senate, We request permission to introduce a resolution, which is set forth below:

#### Resolution.

**WHEREAS,** The Railroad Commission of the State of California on February 14, 1938, decided a case establishing minimum truck rates for the transportation of grain; and

**WHEREAS,** In the year 1933, the rail carriers established reduced rail rates on said commodities to meet truck competition, which reduced rates are due to expire May 31, 1938, and although the railroads desire to continue them in effect, the Commission has denied permission to continue them; and

**WHEREAS,** Said decision states that the general practice is to assess rail carload rates on truckload shipments of grain moving between points in the same general vicinity of the rail depots; and

**WHEREAS,** The minimum truck rates established by said decision for certain typical hauls appear to be at least 25 per cent higher on the average than the rail rates which are now said to be used by the trucks; and

**WHEREAS,** The hazards of agriculture are always uncertain and in many cases below the cost of production; and

**WHEREAS,** On Monday, May 3, 1937, the Honorable Wallace Ware, President of the Railroad Commission of the State of California, appeared on behalf of the commission before the Senate of California, sitting as a Committee of the Whole to consider repeal of the Highway Carriers Act, and made the statement that the Railroad Commission would not follow such a destructive course as to increase one rate on agriculture; now, therefore, be it

*Resolved, By the Senate of the State of California,* now in session, that we urge the Railroad Commission of the State of California to reconsider said decision involving minimum rates on grain, grain products and related commodities, in view of President Ware's pledge to the Senate on behalf of the commission; and be it further

*Resolved,* That a copy of this resolution be sent to each member of the Railroad Commission of the State of California.

Respectfully submitted.

Senators  
JESPERSEN,  
GORDON,  
PHILLIPS.

Request referred to Committee on Rules, and the resolution ordered printed in the Journal.



### Adjournment.

At four o'clock and twenty-two minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Friday, March 11, 1938.

ELLSWORTH W. SCAMMON, Minute Clerk.

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### IN SENATE

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SENATE CHAMBER,

SACRAMENTO, Friday, March 11, 1938.

At eleven o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Thursday, March 10, 1938, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Annetta B. Morrison, teacher, and the following students of the Citizenship Class of the Adult Education Department of the Lodi Union High School: Sidney Couper, Mrs. Sidney Couper, George B. Scheideman, George Voelker, Mrs. Anna Voelker, Mrs. Augusta Becker, Samuel Herchkorn, Stefano Rocco, Bert Costamagna, John D. Miller, Mrs. John D. Miller, Adam Flaig, Mrs. Katherine Flaig, Karpo Tkaschuck, Godfried Beisal, Mrs. Annie Beisal, David Beisal, H. L. Richter, Mrs. H. L. Richter, Samuel G. Morrison, G. F. Gant, Mrs. G. F. Gant, E. File, Mrs. E. File, Henry Lind, and Mrs. Henry Lind.

On request of Senator Westover, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Philip A. Stanton of Anaheim.

On request of Senator Law, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. H. C. Moses, of Franklin, North Carolina.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended by A. N.

Quayle, President Oakdale Irrigation District. Oakdale, also Merle Mensinger and Clement E. Cole of Escalon.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. R. W. Blumenthal of Milwaukee, Wis., also Dr. J. R. Scott of Chula Vista, Chairman, San Diego County Republican Central Committee, and Mrs. J. R. Scott, Adolph Mpuelheisen, and Douglas Young, President of Quality Dairy Co. and manager of Milk Producers Association of San Diego.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. A. Dula of Visalia, Wm. Rosenberg of Exeter, and Hon. Ford A. Chatters of Lindsay.

### Communications.

The following communications were received, and ordered printed in the Journal.

#### I.

##### Resolutions of Women's Local No. 6, Workers Alliance of San Francisco.

WHEREAS, The Governor of the State of California has called a special session of the State Legislature to convene in Sacramento; and

WHEREAS, The Governor in the call to the special session of the Legislature, ignored the subject of relief and work relief; and

WHEREAS, A state of need exists in the State of California amounting to a major catastrophe; and

WHEREAS, There is no subject more deserving of discussion and prompt action than the correct solving of the problems of relief and unemployment work relief; therefore be it

*Resolved*, That Women's Local No. 6, Worker's Alliance, go on record as demanding that the agenda of the special session of the State Legislature shall include relief and unemployment work relief; be it further

*Resolved*, That a copy of this resolution be sent to Governor Merriam, Lieutenant Governor Hatfield, the press and spread on the minutes of this meeting.

#### II.

WHEREAS, In the call to the special session of the State Legislature there exists one section devoted to the setting up of a proposed machinery to direct and control the matter of relief in the State for a period of five years; namely a rotating board of five members who shall continue in office and be the arbiters of relief funds; and

WHEREAS, Such political machinery is bureaucratic, and opposed to the principles of democracy and detrimental to the best interests of the State; therefore be it

*Resolved*, That Women's Local No. 6, Worker's Alliance, go on record as opposing the setting up of this board or any like or similar political machine; and be it further

*Resolved*, That a copy of this resolution be sent to Governor Merriam, to Lieutenant Governor Hatfield, to the nine members of the Legislature from San Francisco, to the press and spread on the minutes of this meeting.

#### III.

##### Resolution of City Council of the City of Los Angeles.

Presented by Councilman G. Vernon Bennett.

WHEREAS, The Governor of California has called the State Legislature in special session beginning today; and

WHEREAS, The Legislature will consider several emergency measures, among which should be bills to enable the municipalities of California to create local housing authorities qualified to receive Federal assistance; and,

WHEREAS, The Legislature at its last regular session passed four State enabling bills which would serve such a purpose and which bills have since been approved by the Administrator, United States Housing Authority; and,

WHEREAS, The funds made available under the United States Housing Act are rapidly being earmarked for local housing authorities in the States where similar legislation is already enacted; now, therefore, be it

*Resolved by the Council of the City of Los Angeles*, That the California Legislature meeting in special session at the State Capitol, be, and it hereby is, petitioned to re-pass, at its earliest opportunity, the four State Housing Bills which were

passed at the last regular session of the Legislature, and which then bore the following titles:

Assembly Bill No. 1500	Housing Authorities Bill,
Assembly Bill No. 1501	Eminent Domain Amendment,
Assembly Bill No. 1573	Housing Cooperation Bill,
Assembly Bill No. 1678	Tax Exemption Bill,

and, be it further

*Resolved*, That inasmuch as the four above mentioned bills have been approved by the Administrator, United States Housing Authority, as properly drawn legislation to provide the creation and operation of local housing authorities in the municipalities of the State of California which would be fully qualified to cooperate with the United States Housing Authority; these four bills should therefore be re-passed without material change; and be it finally

*Resolved*, That copies of this resolution be forwarded immediately to the following public officials:

The Governor of the State of California.  
 The President of the California Senate.  
 The Speaker of the California Assembly.  
 The Board of Supervisors of the City and County of San Francisco.  
 The Council of the city of Oakland.  
 The Administrator of the United States Housing Authority, Washington, D. C.

STATE OF CALIFORNIA, } ss.  
 COUNTY OF LOS ANGELES, }

I, ROBT. DOMINGUEZ, city clerk of the city of Los Angeles and ex officio clerk of the city council of the city of Los Angeles, do hereby certify and attest the foregoing to be a full, true and correct copy of the original resolution adopted by the said council, at its meeting held on March 7, 1938, on file in my office, and that I have carefully compared the same with the original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the city of Los Angeles, this seventh day of March, 1938.

[SEAL] ROBT. DOMINGUEZ, City Clerk of the City of Los Angeles.

### Communication.

The following communication was received, read, and upon motion of Senator McColl, ordered printed in the Journal:

#### Resolution of State Board of Equalization.

Adopted at Sacramento, California, March 10, 1938.

PRESENT: R. E. Collins, chairman, John C. Corbett, member, and Fred E. Stewart, member.

Upon motion of Mr. Stewart, seconded by Mr. Corbett, the following resolution was adopted by unanimous vote of all members present:

WHEREAS, Pursuant to the plan for tax relief proposed by the State Board of Equalization in 1933 and adopted in that year, a substantial reduction in the burden of local property taxes has been achieved, and

WHEREAS, The revenue measures enacted under this plan have enabled the State to assume educational costs previously met from the proceeds of local tax rates, and

WHEREAS, Notwithstanding the assumption of these school costs, these measures are also supplying ample revenues for the current needs of the State, and

WHEREAS, The successful operation of this plan has demonstrated the desirability of this type of tax relief when local tax burdens become excessive, and

WHEREAS, At the last legislative session the provisions for old age pensions were liberalized materially, and

WHEREAS, The resultant cost to the counties threatens to impair the tax relief previously obtained under the plan of 1933; now, therefore, be it

*Resolved by the State Board of Equalization, in regular meeting at Sacramento this tenth day of March, 1938*, That said board strongly recommends to the Legislature such action as will enable the State to assume the counties' share of old age pension payments, to the end that ample funds may be made available to carry out the objects of the 1937 legislation without unduly burdening local taxpayers, and be it further

*Resolved*, That the secretary of this board is instructed to transmit copies of this resolution to the Secretary of the Senate and the Chief Clerk of the Assembly to the end that the recommendations herein made may be brought to the attention of the members of the Legislature.

ATTEST:

DIXWELL L. PIERCE, Secretary.

**STATEMENT ON DESIRABILITY OF STATE ASSUMPTION OF OLD AGE SECURITY COSTS  
NOW BORNE BY COUNTIES.**

In 1933 local tax burdens had become so heavy that far reaching modifications of the State's tax system were necessary in order to afford relief to common property. To accomplish this relief the properties of the public service corporations were returned to the local tax rolls and the State assumed the cost of maintaining the public schools formerly borne by counties. The retail sales tax was enacted as the principal source for increased revenues to meet these new burdens which the State had assumed. New revenues were produced also by the enactment of the Alcoholic Beverage Control Act and excise taxes on alcoholic beverages, personal income tax and the motor vehicle license (in lieu) fees.

Currently these revenues amount to approximately \$125,000,000 annually, accruing to the State general fund. Deducting the \$30,000,000 loss in revenues to the State from public utility taxes and the \$40,000,000 of school costs, formerly borne by the counties which the State has assumed, there remains a net increase in funds available for expenditure by the State of approximately \$55,000,000 per year.

Meanwhile the counties' share of the costs of old age security have increased from \$2,040,957.76 in 1933-1934 to approximately \$9,148,488 during the current fiscal year. This means that there has been an annual increase in these costs of more than \$7,000,000 so far as the counties are concerned.

Unless something is done to afford the counties relief it is apparent that there will have to be a substantial increase in the local tax rates. Such a development at this time would be extremely unfortunate.

Inasmuch as the object of the adoption of the constitutional amendment in 1933 was to relieve local property taxpayers and since the revenues received under the plan are substantially in excess of what was anticipated, the assumption by the State of the counties' share of the old age pension would seem to be a logical move. Unless this is done, much of the ground which was gained toward relief from oppressive property taxes in 1933 will be lost.

In the case of the sales tax alone, the net annual revenue to the State is now \$90,000,000 which is some \$20,000,000 more than the school costs assumed in 1933 and the amount of public utility taxes transferred to the local units of government. Consequently, if the State should assume the counties' share of the old age security requirements, there would still be substantial revenue from the sales tax remaining in the general fund for other purposes. In view of the fact that the liberalization of the Old Age Security Law last year, by reducing the age limit to 65 years and the residence requirement to five years, along with an increase in the maximum payment to \$35 per month, is primarily responsible for the added costs of this program, it seems also fair that the State should take action now to prevent these costs from becoming burdensome in connection with local tax rates.

### **Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1933.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 5—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipal corporations where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipal corporation voting upon the question of incurring such bonded indebtedness; providing for a levy of taxes to pay the principal and interest of such bonds; and declaring the urgency of this act.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 5 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1933.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 5—An act to add Chapter IXa, consisting of sections 3857 to 3859.20, inclusive, to Title IX of Part III of the Political Code, relating to property taxation.

Assembly Bill No. 22—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817c6, and 3817k thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 5 referred to Committee on Rules.

Assembly Bill No. 22 referred to Committee on Rules.



ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 8—Relative to memorializing the President and the Congress of the United States to enact H. R. 9102 creating a permanent Federal Bureau of Fine Arts;

Assembly Concurrent Resolution No. 8—Relative to permanent flood control;

Assembly Concurrent Resolution No. 14—Relative to adjournment sine die of the Extraordinary session of 1938 of the Legislature of the State of California.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Joint Resolution No. 8 referred to Committee on Rules.

Assembly Concurrent Resolution No. 8 referred to Committee on Rules.

Assembly Concurrent Resolution No. 14 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 12—An act to amend section 1143 of the Penal Code, relating to the fees of jurors, declaring the urgency hereof and providing that this act shall take effect immediately;

Assembly Bill No. 14—An act to amend sections 1, 2, 12, 17 and 20 of an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding," approved July 20, 1935, as amended, and validating refunding proceedings heretofore taken under said act refunding assessments heretofore levied and refunding bonds heretofore issued under said act, and declaring the urgency of this act to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 12 referred to Committee on Rules.

Assembly Bill No. 14 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 15—An act to amend sections 1, 2, 12 and 15 of the Assessment Bond Refunding Act of 1933, as amended, relating to the refunding of indebtedness of special improvement districts, the levy and enforcement of reassessments therefor, the issuance of refunding bonds, the contribution of public funds to assist in such refunding, and validating refunding proceedings heretofore taken, refunding reassessments heretofore levied, and refunding bonds heretofore issued, and declaring the urgency hereof to take effect immediately;

Assembly Bill No. 19—An act to amend section 9.18 of the Building and Loan Association Act, relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, declaring the urgency hereof and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 15 referred to Committee on Rules.

Assembly Bill No. 19 referred to Committee on Rules.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a resolution was presented:

By Senator Gordon:

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a resolution, the title of which is set forth below:

#### Resolution.

Relative to requesting the Governor to fill the vacancies in the Fish and Game Commission.

WHEREAS, The people of the State of California, by and through the Legislature thereof, by Chapter 448 of the Statutes of 1937, amended the Fish and Game Code to increase the number of members on the Fish and Game Commission from three to five members; and

WHEREAS, Although this statute was approved by the Governor on June 19, 1937, and became effective on August 27, 1937, neither of the two additional offices has yet been filled; and

WHEREAS, A third vacancy exists because of the resignation of a member of the commission; and

WHEREAS, In order to adequately and fairly represent the conflicting interests of the people in all sections of this extensive State, a commission of at least five members is necessary; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Governor be, and he is hereby requested, to appoint three members to fill the vacancies in the Fish and Game Commission with all possible speed.

Respectfully submitted.

SENATOR GORDON.

Request referred to Committee on Rules.

#### Resolution.

The following resolution was offered:

By Senator Westover:

WHEREAS, The Governor of the State of California called the Legislature in extraordinary session on March 7, 1938; and

WHEREAS, The Legislature duly met to consider legislation contained in the call; and

WHEREAS, The lower house of the Legislature has given a good part of its time in considering matter not contained in the call and not emergency legislation; and

WHEREAS, The special session of the Legislature should have been completed by noon, Saturday, March 12, 1938; and

WHEREAS, We, the members of the State Senate feel that the special session of the Legislature has been exploited by certain interests, and that a longer session is both undesirable and unnecessary; now, therefore, be it

*Resolved*, That unless the Assembly is prepared to adjourn sine die by noon Saturday, March 12, that the Senate disband and the members thereof return to their respective homes.

#### Motion.

Senator Westover moved to suspend the Rules of the Senate for the purpose of considering the above resolution:

The question being upon the motion to suspend the Rules.

The roll was called, and the motion lost by the following vote:

AYES—Senators Cunningham, Jespersen, Parkman, Swing, and Westover—5.

NOES—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Waggy, and Young—29.

Resolution referred to Committee on Rules.

### Reports of Standing Committees—(Resumed).

The following reports of standing committees were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 1—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

Senate Concurrent Resolution No. 1—Relative to the respect and esteem of the Legislature for the late Senator Harry A. Chamberlin.

Senate Concurrent Resolution No. 4—Approving certain amendments to the charter of the county of San Mateo, State of California;

And reports that the same have been correctly enrolled, and presented to the Governor on the eleventh day of March, 1938, at ten o'clock a.m.

METZGER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Concurrent Resolution No. 5—Relative to calling a special session to provide legislation for reimbursing private persons and public agencies for loss and damage sustained by them during the recent floods;

And reports that the same has been correctly engrossed.

METZGER, Chairman.

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request by Senator McGovern for permission to introduce a joint resolution:

Relative to memorializing the President and Congress to provide for the maintenance of intercoastal steamship lines between the Atlantic seaboard and the Pacific Coast;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.

SLATER.

McCOLL.

KNOWLAND.

TICKLE.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

**Introduction, First Reading and Reference of Bills.**

The following joint resolution was introduced:

**Senate Joint Resolution No. 4:** By Senator McGovern—Relative to memorializing the President and Congress to provide for the maintenance of intercoastal steamship lines between the Atlantic seaboard and the Pacific Coast.

Senate Joint Resolution No. 4 read, and referred to Committee on Federal Relations.

**Motion to Reconsider Waived.**

Pursuant to his notice given on a previous day, Senator Olson waived reconsideration of the vote whereby Senate Constitutional Amendment No. 1 was passed.

Senate Constitutional Amendment No. 1 ordered transmitted to the Assembly.

**Consideration of Daily File.****Third Reading of Senate Bills.**

**Senate Bill No. 3**—An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78, 83, 85a and 86 of, and to add sections 3a, 75a, and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appro-

priation therefor," approved June 9, 1931, relating to the State Employees' Retirement System and to retirement of employees of the University of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 3 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, McGovern, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 3 ordered transmitted to the Assembly.

#### Senate Constitutional Amendment No. 2.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding a new section numbered 11 to Article XVI thereof, relating to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare.

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California, in extraordinary session commencing on the seventh day of March, 1938, two-thirds of the members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of said State be amended by adding to Article XVI thereof a new section to be numbered 11, and to read as follows:

SEC. 11. (a) The Department of Social Welfare shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the State Relief Administration, including the Relief Commission and the Relief Administrator, under the provisions of Article XVI, section 10, of the Constitution of the State of California and the California Unemployment Relief Act of 1935, or of any other law, and of the several officers, deputies and employees in or under the Relief Administration or the Relief Administrator or the Relief Commission; and whenever by the provisions of any statute or law now in force or which may hereafter be enacted, a duty or jurisdiction is imposed or authority conferred upon the Relief Administration, Relief Administrator or the Relief Commission, or upon any of the officers, deputies or employees in or under any thereof, such duty, jurisdiction and authority are hereby imposed upon and transferred to the Department of Social Welfare with the same force and effect as if the title of said last named department had been specifically set forth and named therein, in lieu of the name of the Relief Administration, the Relief Administrator, the Relief Commission, or any such officer, deputy or employee therein or thereunder. For the purposes of this section, the terms "Relief Administration," "Relief Administrator," "Relief Commission," or similar designation, and of the several officers, deputies and employees in or under either thereof, when used in any statute or law now in force or which may hereafter be enacted, shall be construed to refer to and mean the Department of Social Welfare, the same as if the title of such department had been specifically set forth and named therein.

The Relief Administration, Relief Commission and the office of the Relief Administrator, and the positions of all deputies, officers and employees in or under any thereof are and each of them is hereby abolished and shall have no further legal existence; but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes and responsibilities and jurisdiction, are hereby expressly continued in force, provided that nothing herein contained shall be construed to limit the power of the Legislature to amend, modify or repeal such statutes and laws.

(b) All salaried officers and employees holding positions in the State Relief Administration on November 8, 1938, are hereby transferred and appointed to positions of a like character and nature in the Department of Social Welfare, which positions are hereby included in the State civil service and shall exist so long as necessary to the proper administration of the department. The officers and employees transferred hereunder shall hold such positions and continue to hold the same, subject to the provisions of this section, under temporary appointment as defined in Article XXIV of this Constitution notwithstanding the existence of present eligible lists, and shall receive the compensation provided by or under the authority of law for their services. Within six months from November 8, 1938, the State Personnel Board shall hold written competitive examinations



for such positions which shall be of such character as fairly to test and determine the qualifications, fitness and ability of the officers and employees hereby transferred thereto to perform the duties of such positions. Upon attaining a passing mark in such examination, any person hereby transferred and appointed to any such office or position who has held a position in the State Relief Administration for more than one year immediately preceding November 8, 1938, shall have the status of a permanent employee under the provisions of the civil service laws of the State of California and shall have all of the rights and privileges incident to such status. Any other person hereby transferred and appointed to any such office or position, upon attaining a passing mark in such examination, shall serve in such office or position such probationary term under the civil service laws as the State Personnel Board may fix of not less than three months nor more than six months from and after the date of the establishment of the list resulting from the examination. The eligible lists resulting from such examinations shall be given preference in filling additional vacancies in positions in the Department of Social Welfare concerned with the administration of powers, duties, purposes, responsibilities, and jurisdiction hereby transferred, notwithstanding the prior existence of other lists for the same classes, until such new lists are exhausted or are over one year old. Any person transferred hereunder heretofore serving in the State civil service shall continue so to serve without change of class or grade of position heretofore acquired save as such class or grade may be changed by said State Personnel Board in the exercise of its powers as conferred in Article XXIV of this Constitution or as may be hereafter provided by law.

Nothing herein contained shall be deemed to limit the right of the Department of Social Welfare to abolish any position when such position ceases to be necessary to the proper administration of the department.

(c) The Department of Social Welfare shall be in possession and control of all records, books, papers, office equipment, moneys, funds, appropriations and real and personal property now or hereafter held for the benefit or use of the Relief Administration, Relief Commission or Relief Administrator, and the title to all property held by said Relief Administration, Relief Commission or Relief Administrator for the use and benefit of the State is hereby transferred to the State of California to be held in the possession of said Department of Social Welfare.

(d) The Department of Social Welfare shall be and is hereby authorized to expend the moneys in any appropriation or in any special fund in the State treasury now remaining or made available by law for expenditure by the Relief Administration, Relief Commission or Relief Administrator, and to use in accordance with law all property hereby transferred, and to enforce any and all rights held by said administration, commission or administrator.

(e) This section shall be self-executing, but, notwithstanding any provision of this section or of section 10 of Article XVI of the Constitution, the Legislature, or the people by initiative, shall have power to amend, alter, or repeal any law relating to the relief of hardship and destitution, whether such hardship and destitution results from unemployment or from other causes, or any law relating to the Department of Social Welfare, or to enact new laws relating to these matters, or to transfer the matters herein vested in the Department of Social Welfare to any other State department, board, commission, officer or agency now or hereafter created, or to provide for the administration of the relief of hardship and destitution, whether resulting from unemployment or from other causes, either directly by the State or through the counties of the State, and to grant such aid to the counties therefor, or make such provision for reimbursement of the counties by the State as the Legislature deems proper.

(f) The provisions of this amendment shall become operative on the first day of December, 1938.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 2 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schotky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—34.

NOES—None.

Senate Constitutional Amendment No. 2 ordered transmitted to the Assembly.

President Pro Tempore in the Chair.

At eleven o'clock and fifty-five minutes a.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

### Third Reading of Assembly Bills.

**Assembly Bill No. 11**—An act to amend section 18 of an act entitled "An act imposing an excise tax on the use in this State of fuel as defined herein providing for the issuance of permits to the users of such fuel, and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately," approved May 24, 1937, being Chapter 352 of the Statutes of 1937, to appropriate the moneys received in pursuance of said act.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 11, the following amendments, offered by Senator McColl, were read and adopted:

##### Amendment No. 1.

On page 1 of the printed bill, strike out all of lines 6 to 11, inclusive, and insert in lieu thereof the following: "the motor vehicle fuel fund. Copies".

##### Amendment No. 2.

On page 1 of the printed bill, strike out lines 14 to 17, inclusive, and insert in lieu thereof the following: "All moneys so deposited in said fund under the provisions of this act are hereby appropriated as follows:".

##### Amendment No. 3.

On page 1 of the printed bill, strike out all of lines 19 to 22, inclusive.

##### Amendment No. 4.

On page 1, line 23, of the printed bill, strike out the letter "(d)", and insert in lieu thereof the following: "(b)".

##### Amendment No. 5.

On page 2 of the printed bill, strike out all of lines 1 and 2, and in line 3, strike out "section", and insert in lieu thereof the following: "The balance of all moneys deposited in said fund hereunder, after the payment of refunds,".

##### Amendment No. 6.

On page 2, line 11, of the printed bill, strike out the words "transferred to the use fuel tax", and insert in lieu thereof the following: "deposited in the motor vehicle fuel".

##### Amendment No. 7.

On page 2, line 14, of the printed bill, strike out the comma and the words "and thereafter", and insert in lieu thereof a period and the following: "Thereafter".

##### Amendment No. 8.

On page 2, line 15, of the printed bill, strike out the words "transfer hereunder to the State", and strike out lines 16 to 18, inclusive, and insert in lieu thereof the following: "make the transfers provided for hereunder at the same time as the transfers to the state highway fund of moneys received under the Motor Vehicle Fuel License Tax Act are made."

Bill ordered to print, and on file for third reading.

**Assembly Bill No. 13**—An act to authorize the California Commission for the Golden Gate International Exposition to procure insurance. Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 13 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Schottky, Sewell, Slater, Swing, Tickle, Waggy, and Westover—29.

**NOES**—None.

Assembly Bill No. 13 ordered transmitted to the Assembly.

**Assembly Bill No. 25**—An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled

"An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes therein specified.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 25, the following amendment, offered by Senator Biggar, was read and adopted:

**Amendment.**

On page 2, line 7, of the printed bill, as amended, strike out the word "property", and insert in lieu thereof the words: "county roads and bridges the repair of".

Bill read, ordered to reprint, and on file for third reading.

**Rush Order to Printer.**

Upon order of the President pro tempore, the Secretary was directed to issue a rush order for printing Assembly Bill No. 25.

**Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Federal Relations.**

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred: Assembly Joint Resolution No. 6—Relative to federal tax on oil;

Assembly Joint Resolution No. 4—Relative to relief of hardship and destitution caused by floods;

Senate Joint Resolution No. 4—Relative to memorializing the President and Congress to provide for the maintenance of intercoastal steamship lines between the Atlantic seaboard and the Pacific Coast;

Has had the same under consideration, and respectfully reports the same back, without recommendation.

(Signed out)

PHILLIPS, Chairman.  
CUNNINGHAM.  
HOLOHAN.

**Consideration of Senate Joint Resolution No. 4.**

**Senate Joint Resolution No. 4.**

Relative to memorializing the President and Congress to provide for the maintenance of intercoastal steamship lines between the Atlantic seaboard and the Pacific Coast.

WHEREAS, The United States Government is initiating the policy of strengthening the Naval establishment of this Nation; and

WHEREAS, Because of the geographical situation of the States of California, Oregon and Washington, it is necessary to the proper Naval defense of those States that regular lines of passenger steamships between ports on the eastern seaboard and ports on the Pacific Coast, of the United States, be maintained at all times; and

WHEREAS, The operators of various steamship lines, now and heretofore engaged in such intercoastal transportation business have indicated their intention of discontinuing certain of such passenger lines, as aforesaid, because of the high cost of operating such ships passing through the Panama Canal, including the cost of paying tolls therefore, and on account of the additional reason that the Maritime Commission of the United States had allegedly offered certain inducements to the managements of such steamship lines to engage in the business of transporting passengers and freight between eastern ports of the United States and South American countries, all to the detriment of the people of the three Pacific Coast States and on business and labor and industry therein, and to the detriment of the National defense; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California jointly, That the President and Congress of the United States take all action necessary or convenient to assure the continuance of regular intercoastal steamship lines between the Atlantic seaboard and the Pacific Coast, including the construction of additional passenger steamships for such purposes; and he it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and member of the House of Representatives from California in the Congress of the United States, to the Secretary of the Navy, and to the Chairman of the Maritime Commission, and that all of such persons be urged to support a program consistent with the premises.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 4 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Wagy, Westover, and Young—31.

NOES—None.

Senate Joint Resolution No. 4 ordered transmitted to the Assembly.

### Requests for Permission to Introduce Bills.

The following request for permission to introduce a bill was presented:

By Senator McGovern:

SENATE CHAMBER, SACRAMENTO, March 11, 1933.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties.

Respectfully submitted,

SENATOR MCGOVERN.

Request referred to Committee on Rules.

The following request for permission to introduce a bill was presented:

By Senator Olson:

SENATE CHAMBER, SACRAMENTO, March 11, 1933.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to introduce a bill, the title of which is set forth below:

An act relating to tide and submerged lands granted by the State to cities, counties, cities and counties and to other political subdivisions; consenting to suits against the State in connection therewith; providing for the extraction and removal of oil and gas therefrom; and repealing acts or parts of acts in conflict therewith.

Respectfully submitted,

SENATOR OLSON.

Request referred to Committee on Rules.

The following request for permission to introduce a joint resolution was presented:

By Senator McColl:

SENATE CHAMBER, SACRAMENTO, March 11, 1933.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to introduce a joint resolution, the title of which is set forth below:

Relative to memorializing the President and Congress to provide all necessary aids to night air navigation.

Respectfully submitted,

SENATOR MCCOLL.

Request referred to Committee on Rules.

### Reports of Standing Committees—(Resumed).

The following reports of standing committee were received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 10, 1933.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

The request of Senator Gordon for permission to introduce a resolution entitled:

Relative to requesting the Governor to fill the vacancies in the Fish and Game Commission;



The request of Senator Westover for permission to introduce a resolution entitled:  
Relative to extraordinary session adjournment;  
Has had the same under consideration, and respectfully reports the same back, and recommends that the requests be granted.

Committee membership—5; committee vote: Ayes—3; absent—2.

(Signed out)

RICH, Chairman.  
McCOLL.  
SLATER.

Upon motion of Senator McColl, the report of the Committee on Rules was adopted, and the requests granted.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 19—An act to amend section 9.18 of the Building and Loan Association Act, relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, declaring the urgency hereof and providing that this act shall take effect immediately;

Assembly Bill No. 22—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817c6, and 3817k thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

Committee membership—5; committee vote: Ayes—3; absent—2.

(Signed out)

RICH, Chairman.  
McCOLL.  
SLATER.

Upon motion of Senator Slater, the report of the Committee on Rules was adopted.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 5—An act to add Chapter IXa, consisting of sections 3857 to 3859.20, inclusive, to Title IX of Part III of the Political Code, relating to property taxation;

Assembly Bill No. 12—An act to amend section 1143 of the Penal Code, relating to the fees of jurors, declaring the urgency hereof and providing that this act shall take effect immediately;

Assembly Bill No. 14—An act to amend sections 1, 2, 12, 17 and 20 of an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding," approved July 20, 1935, as amended, and validating refunding proceedings heretofore taken under said act, refunding assessments heretofore levied and refunding bonds heretofore issued under said act, and declaring the urgency of this act to take effect immediately;

Assembly Bill No. 15—An act to amend sections 1, 2, 12 and 15 of the Assessment Bond Refunding Act of 1933, as amended, relating to the refunding of indebtedness of special improvement districts, the levy and enforcement of reassessments therefor, the issuance of refunding bonds, the contribution of public funds to assist in such refunding, and validating refunding proceedings heretofore taken, refunding reassessments heretofore levied, and refunding bonds heretofore issued, and declaring the urgency hereof to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

Committee membership—5; committee vote: Ayes—3; absent—2.

(Signed out)

RICH, Chairman.  
McCOLL.  
SLATER.

Upon motion of Senator Slater, the report of the Committee on Rules was adopted.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:  
 Assembly Concurrent Resolution No. 8—Relative to permanent flood control;  
 Has had the same under consideration, and respectfully reports the same back, and  
 recommends that it be considered.

Committee membership—5; committee vote: Ayes—3; absent—2.

(Signed out)

RICH, Chairman.  
 McCOLL.  
 SLATER.

Upon motion of Senator Slater, the report of the Committee on Rules was adopted.

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:  
 Assembly Joint Resolution No. 8—Relative to memorializing the President and  
 the Congress of the United States to enact H. R. 9102 creating a permanent Federal  
 Bureau of Fine Arts;  
 Has had the same under consideration, and respectfully reports the same back, and  
 recommends that it be considered.

Committee membership—5; committee vote: Ayes—3; absent—2.

(Signed out)

RICH, Chairman.  
 McCOLL.  
 SLATER.

Upon motion of Senator Slater, the report of the Committee on Rules was adopted.

Assembly Bill No. 19 read first time, and referred to Committee on Building and Loan Associations.

Assembly Bill No. 22 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 5 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 12 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 14 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 15 read first time, and referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 8 read, and referred to Committee on Drainage, Swamps and Overflowed Lands.

Assembly Joint Resolution No. 8 read, and referred to Committee on Federal Relations.

### Resolution.

The following resolution was offered:

By Senator Gordon:

Relative to requesting the Governor to fill the vacancies in the Fish and Game Commission.

WHEREAS, The people of the State of California, by and through the Legislature thereof, by Chapter 448 of the Statutes of 1937, amended the Fish and Game Code to increase the number of members on the Fish and Game Commission from three to five members; and

WHEREAS, Although this statute was approved by the Governor on June 19, 1937, and became effective on August 27, 1937, neither of the two additional officers has yet been filled; and

WHEREAS, A third vacancy exists because of the resignation of a member of the Commission; and

WHEREAS, In order to adequately and fairly represent the conflicting interests of the people in all sections of this extensive State, a commission of at least five members is necessary; now, therefore, be it

*Resolved by the Senate of the State of California,* That the Governor be, and he is hereby requested, to appoint three members to fill the vacancies in the Fish and Game Commission with all possible speed.

Resolution read, and on motion of Senator Gordon adopted.

### Resolution.

The following resolution was offered:

By Senator Westover:

WHEREAS, The Governor of the State of California called the Legislature in extraordinary session on March 7, 1938; and

WHEREAS, The Legislature duly met to consider legislation contained in the bill; and

WHEREAS, The lower house of the Legislature has given a good part of its time considering matter not contained in the call and not emergency legislation; and

WHEREAS, The special session of the Legislature should have been completed by noon, Saturday, March 12, 1938; and

WHEREAS, We, the members of the State Senate feel that the special session of the Legislature has been exploited by certain interests, and that a longer session both undesirable and unnecessary; now, therefore, be it

*Resolved*, That unless the Assembly is prepared to adjourn sine die by noon Saturday, March 12, that the Senate disband and the members thereof return to their respective homes.

### Point of Order.

Senator Garrison raised the point of order that, "the resolution is contrary to the Constitution of the State of California."

### Decision on Point of Order.

The President pro tempore announced his decision and declared the point of order was well taken.

### Message from the Governor.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

Proclamation by the Governor Amending the Proclamation Convening the Legislature in Extraordinary Session.

WHEREAS, The Legislature of the State of California convened on March 7, 1938, in extraordinary session, pursuant to a proclamation of the Governor dated March 5, 1938, and is now in session; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, FRANK F. MERRIAM, by virtue of the power vested in me by law, do issue this my proclamation amending the aforesaid proclamation convening the Legislature of the State of California, by adding the following purposes thereto, and hereby permitting the Legislature to legislate upon the following subjects, to wit:

37. To consider and act upon an act to appropriate, in addition to aid otherwise provided to counties, \$6,000,000 to the counties of the State for maintaining supporting aged persons who come within the provision of the Old Age Security Law.

38. To consider and act upon an amendment to Chapter six hundred nine (609) of the Statutes of 1931 prohibiting the sale of motor vehicle fuels at less than the price displayed and preventing the evasion of such prohibition.

39. To consider and act upon an act relating to soil conservation through the prevention or control of soil erosion, and to create a Soil Conservation Committee and to define its duties and authority.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this tenth day of March in the year of our Lord 1938.

[SEAL]

FRANK F. MERRIAM,  
Governor of California.

Attest:

FRANK C. JORDAN,  
Secretary of State.

By CHAS. J. HAGERTY,  
Deputy Secretary of State.

### Recess.

At twelve o'clock and twenty-five minutes p.m., on motion of Senator Swing, the President pro-tempore of the Senate declared recess until two o'clock p.m.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Leave of Absence.**

Senator DeLap was, on motion of Senator Jespersen, granted leave of absence for the balance of this legislative day.

**Requests for Permission to Introduce Bills.**

The following request for permission to introduce a joint resolution was presented:

By Senator Olson:

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: In accordance with the Rules of the Senate, I request permission to introduce a joint resolution, the title of which is set forth below:

A joint resolution urging the enactment of House of Representatives Bill No. 8430 now pending in the Congress of the United States, providing for Federal aid in the construction of the "T" tunnel project at San Pedro Harbor.

Respectfully submitted,

SENATOR OLSON.

Request referred to Committee on Rules.

The following request for permission to introduce a joint resolution was presented:

By Senator Olson:

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: In accordance with the Rules of the Senate, I request permission to introduce a joint resolution, the title of which is set forth below:

A joint resolution relative to memorializing the President and the Congress of the United States to enact H. R. 9256, relative to reimbursement by the Federal Government to states and counties for expenditures in behalf of non-residents.

Respectfully submitted,

SENATOR OLSON.

Request referred to Committee on Rules.

**Consideration of Assembly Joint Resolution No. 6.****Assembly Joint Resolution No. 6.**

Relative to Federal tax on oil.

WHEREAS, There has been introduced in the Congress of the United States House of Representatives Bill No. 3134, which would impose an excise tax of one cent per gallon on fuel oil used to generate heat or power; and

WHEREAS, There is produced in the State of California over 200,000,000 barrels of crude oil annually, a great portion of which is fuel oil which may be used to generate heat and power; and

WHEREAS, The industry which produces this crude oil contributes great benefits to the State by creating a new wealth and provides work for many thousands of individuals; and

WHEREAS, Other industries in the State of California such as railroads, steamship lines, manufacturing plants, and agricultural pursuits all utilize vast amounts of fuel oil to generate heat and power, and the imposition of this tax would add greatly to their cost of doing business to the disadvantage of these industries compared with industries in other States using other sources of fuel; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly, That the President and the Congress of the United States are respectfully urged not to enact such legislation; and be it further*

*Resolved, That copies of this resolution be transmitted by the Governor of the State of California to the President and Vice President of the United States, to the Speaker of the House, and to the Senators and Representatives of the State of California in Congress.*

Resolution read.

The question being on the adoption of the resolution.

The roll was called.



### Call of the Senate.

Pending the announcement of the vote, Senator Wagy moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Cunningham, Denel, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Law, McCormack, Metzger, Mixter, Parkman, Pierovich, Powers, Quinn, Schottky, Slater, Tickle, Wagy, and Young—22.

The Secretary announced the absentees.

Time, two o'clock and fifteen minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Communication.

The following communication was received, read, and, upon motion of Senator Knowland, ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
SACRAMENTO, CALIFORNIA, March 11, 1938.

*Honorable William F. Knowland,*

*Senate Chamber, State Capitol, Sacramento, California.*

SUBJECT: Housing authority bills—proprietary relationships in connection with organizations furnishing authorities public utility services.

DEAR SENATOR KNOWLAND:

This is in response to your request that we analyze the several Assembly bills dealing with low-cost housing, with a view to determining whether or not there is anything involved in those bills which would indicate a legislative intention to authorize a housing authority to compel a municipal utility to furnish services, such as water and light, to a housing authority or the inhabitants of a project of a housing authority at a lesser rate than the same services are furnished to other customers of the municipal utility.

Assembly Bill No. 4 is the housing authorities law proper. Section 8 of that bill sets forth the powers of a housing authority. Subdivision (c) of that section authorizes an authority to—

“arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project for the occupants thereof.”

Section 9 of the bill declares that the operations of an authority shall not be conducted for profit. To this end, the authority shall, according to subdivision (b) of section 9, fix its rentals at a rate sufficient to—

“meet the cost of, and to provide for, maintaining and operating projects (including the cost of any insurance) and the administrative expenses of the authority.”

Section 10 of the bill deals with the problem of tenant selection. In effect, subdivision (d) of that section provides that no person shall be accepted as a tenant in any housing project whose annual net income exceeds five or six times the annual rental of the quarters to be furnished such person. That subdivision goes on to provide that in computing the rental for the purpose of selecting tenants, there shall be included in the rental the average annual cost to occupants of heat or electricity, gas cooking range, and other necessary services or facilities, whether or not the charge for such services and facilities is, in fact, included in the rental.

We believe that these sections indicate a definite intention upon the part of the Legislature that housing authorities shall be treated in exactly the same way that a private individual is treated in its dealings with municipal or other public utilities. The bill seems to contemplate that any public utility service furnished to an authority shall be furnished strictly on a contract basis, entered into between the authority and the utility. We find no provision in this bill which seems to us to indicate that it was the Legislature's intention that the authority should have any right or power to compel a municipal or public utility to furnish services to it at a rate less than that furnished to private individuals similarly situated.

We should also like to direct your attention to Assembly Bill No. 1. It is the purpose of that bill to exempt the property of housing authorities from all taxes and

special assessments. It is obvious that if the housing authority were to condemn a large amount of private property situated within a special assessment district, it would thereby remove from the tax rolls a considerable amount of property which would otherwise be assessed to assist in the payment of the project for which the special assessment district was created. This, in turn, would place an increased burden upon the other residents of the special assessment district. On the other hand, the inhabitants of the housing authority would be entitled to enjoy the benefits of the project for which the district was created.

It is conceivable that in certain situations some inequality would result from this exemption. Consequently, section 2 of Assembly Bill No. 1 authorizes an authority to agree to make payments to any city, county or political subdivision for services, improvements or facilities which might be furnished by the city, county or political subdivision for the benefit of the housing project. This will, in effect, allow a housing authority to meet its proper proportion of the cost of any special improvements which may be financed by means of a tax levied upon the inhabitants of a particular district, and will serve to more equitably distribute the burden of taxation.

We do not believe that the term "services" as used in this section refers to those services which are ordinarily furnished by municipal or other public utilities, but rather those services which may be provided by the city itself in the form of parks, playgrounds, libraries, streets, etc.

We trust that this will sufficiently answer your inquiry. Please be assured, however, that we will be glad to give it such further consideration as time will permit.

Very truly yours,

FRED B. WOOD, Legislative Counsel.,  
By GEORGE W. WAKEFIELD, Deputy.

### **Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and thirty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wagy.

The names of the absentees were called, and Assembly Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—35.

NOES—None.

Assembly Joint Resolution No. 6 ordered transmitted to the Assembly.

### **Consideration of Daily File—(Resumed).**

#### **Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 1**—An act to provide that the property and bonds of housing authorities shall be exempt from taxation and assessments; to authorize certain payments in lieu of such taxes and assessments; and to provide that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—Senators Biggar, Hays, Mixer, Quinn, and Rich—5.

Assembly Bill No. 1 ordered transmitted to the Assembly.

**Assembly Bill No. 2**—An act to authorize cities, cities and counties, towns, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing

parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, cities and counties, towns, counties and other political subdivisions to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities, cities and counties, and counties to make an appropriation for the first year's administrative expenses of housing authorities; to authorize certain cities, cities and counties, towns and counties to pay moneys to housing authorities; and to declare an emergency.

Bill read third time.

#### Urgency Clause.

SEC. 10. Emergency. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Unemployment and the existence of unsafe, insanitary and congested dwelling accommodations has produced an alarming economic and social condition in this State. The immediate adoption of this act will enable many housing projects to be undertaken in this State which otherwise can not be financed at this time. This development and construction will furnish employment to many persons now idle, and enable them to become self-supporting, and will alleviate the aforesaid housing conditions.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McColl, McCormack, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—31.

NOES—Senator Law—1.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Fletcher, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—28.

NOES—Senators Biggar, Hays, Mixter, and Rich—4.

Assembly Bill No. 2 ordered transmitted to the Assembly.

#### Third Reading of Assembly Bill No. 3.

**Assembly Bill No. 3**—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain, and to provide that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 3 passed by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Garrison, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—Senators Biggar, Hays, and Mixter—3.

Assembly Bill No. 3 ordered transmitted to the Assembly.

### Consideration of Assembly Bill No. 6.

**Assembly Bill No. 6**—An act to amend section 3 of an act entitled, "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the Golden Gate International Exposition, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows:

Public Works Administration grants will or may be available to said association in aid of said buildings and improvements if commenced without delay. This act is designed to expedite the commencement of said buildings and improvements.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—33.

NOES—None.

Bill read, and ordered on file for third reading.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 7—An act to amend sections 86, 87 and 89 of the Agricultural Code, relating to agricultural districts and including provision for leasing, letting and granting licenses for the use of property of such districts, declaring the urgency of this act, and providing that it shall take effect immediately.

Assembly Bill No. 23—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately.

Assembly Bill No. 28—An act to amend the title and sections 2, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 18.1, 19, 19.1, 20, 21, 22, 23, 24, 25 and 25.1, and to repeal sections 3, 4 and 5 of an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating



an Agricultural Prorate Commission; providing for the appointment of members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, relating to agricultural proration programs and the enforcement thereof, and the transfer of administration of said act from the Agricultural Prorate Commission to the Director of the State Department of Agriculture.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Assembly Bill No. 7 referred to Committee on Rules.

Assembly Bill No. 23 referred to Committee on Rules.

Assembly Bill No. 28 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 2—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817e6, 3817k, and 3817.1 thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales, and declaring the urgency thereof, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By JACK CARL GREENBURG, Assistant Clerk.

Senate Bill No. 2 ordered to enrollment.

### Reports of Standing Committees—(Resumed).

The following reports of standing committee were received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

The request of Senator Olson for permission to offer a Joint Resolution entitled: Urging the enactment of House of Representatives Bill No. 8430 now pending in the Congress of the United States, providing for Federal aid in the construction of the "T" tunnel project at San Pedro Harbor.

The request of Senator Olson for permission to offer a Joint Resolution entitled: Relative to memorializing the President and the Congress of the United States to enact H. R. 9256, relative to reimbursement by the Federal Government to States and counties for expenditures in behalf of nonresidents;

Has had the same under consideration, and respectfully reports the same back, and recommends that the requests be granted.

(Signed out)

RICH, Chairman.  
SLATER.  
TICKLE.  
KNOWLAND.  
McCOLL.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

The request of Senator McGovern for permission to introduce a bill entitled:

An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties;

The request of Senator Olson for permission to introduce a bill entitled:

An act relating to tide and submerged lands granted by the State to cities, counties, cities and counties and to other political subdivisions; consenting to suits against the State in connection therewith; providing for the extraction and removal of oil and gas therefrom; and repealing acts or parts of acts in conflict therewith;

Has had the same under consideration, and respectfully reports the same back, and recommends that the requests be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
TICKLE.  
SLATER.  
McCOLL.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

The request of Senator McColl for permission to introduce a Senate joint resolution entitled:

Relative to memorializing the President and Congress to provide all necessary aid to night air navigation;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
TICKLE.  
SLATER.  
McCOLL.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

### **Introduction, First Reading and Reference of Bills.**

The following bills and joint resolutions were introduced:

**Senate Joint Resolution No. 5:** By Senator Olson—Relative to memorializing the President and the Congress of the United States to enact H. R. 9256, relative to reimbursement by the Federal Government to States and counties for expenditures in behalf of nonresidents.

Senate Joint Resolution No. 5 read, and referred to Committee on Federal Relations.

**Senate Joint Resolution No. 6:** By Senator Olson—Relative to urging the enactment of House of Representatives Bill No. 8430 now pending in the Congress of the United States, providing for Federal aid in the construction of the "T" tunnel project at San Pedro Harbor.

Senate Joint Resolution No. 6 read, and referred to Committee on Federal Relations.

**Senate Joint Resolution No. 7:** By Senator McColl—Relative to memorializing the President and Congress to provide all necessary aids to night air navigation.

Senate Joint Resolution No. 7 read, and referred to Committee on Federal Relations.

**Senate Bill No. 8:** By Senator McGovern—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties.

Senate Bill No. 8 read first time, and referred to Committee on Finance.

**Senate Bill No. 9:** By Senator Olson—An act relating to tide and submerged lands granted by the State to cities, counties, cities and counties, and to other political subdivisions; consenting to suits against

the State in connection therewith; providing for the extraction and removal of oil and gas therefrom; and repealing acts or parts of acts in conflict therewith.

Senate Bill No. 9 read first time, and referred to Committee on Oil Industries.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 14—Relative to adjournment sine die of the extraordinary session of 1938 of the Legislature of the State of California; Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted.

### Consideration of Assembly Concurrent Resolution No. 14.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 14, without further reference to committee, for purpose of adoption.

#### Assembly Concurrent Resolution No. 14.

Relative to adjournment sine die of the extraordinary session of 1938 of the Legislature of the State of California.

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the 1938 extraordinary session of the Legislature of the State of California shall adjourn sine die at 12 m., March 12, 1938.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 14 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Hays, Hollister, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—32.

NOES—Senators Garrison, and Gordon—2.

Assembly Concurrent Resolution No. 14 ordered transmitted to the Assembly.

#### Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Senate in a sum of six hundred and thirty-nine and 66/100 (\$639.66) dollars in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions, traveling expenses, necessary expenses incident to preparing for this session of the Legislature, and any other incidental expenses in connection with completing the work of this fifty-second extraordinary session of the Senate of the State of California. Vouchers and receipts for all expenditures to be furnished to the Controller.

LAW.  
McCORMACK.  
RICH.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagly, Westover, and Young—34.

**NOES**—None.

### Reports of Standing Committees—(Resumed).

The following reports of standing committee were received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 7—An act to amend sections 86, 87 and 89 of the Agricultural Code, relating to agricultural districts and including provision for leasing, letting and granting licenses for the use of property of such districts, declaring the urgency of this act, and providing that it shall take effect immediately;

Assembly Bill No. 23—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately.

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

(Signed out)

RICH, Chairman.  
SLATER.  
TICKLE.  
MCCOLL.  
KNOWLAND.

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 28—An act to amend the title and sections 2, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 18.1, 19, 19.1, 20, 21, 22, 23, 24, 25 and 25.1, and to repeal sections 3, 4 and 5 of an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, relating to agricultural proration programs and the enforcement thereof, and the transfer of administration of said act from the Agricultural Prorate Commission to the Director of the State Department of Agriculture.

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

(Signed out)

RICH, Chairman.  
SLATER,  
TICKLE,  
MCCOLL,  
KNOWLAND.

Upon motion of Senator Rich, the reports of the Committee on Rules were adopted.

Assembly Bill No. 7 read first time, and referred to Committee on Finance.



Assembly Bill No. 23 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 28 read first time, and referred to Committee on Agriculture.

**On Social Security.**

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 4—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency;  
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—2; noes—1.

WESTOVER, Chairman.

**Second Reading of Assembly Bill No. 4.**

**Assembly Bill No. 4**—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Social Security, the following amendments to Assembly Bill No. 4 were read and adopted:

**Amendment No. 1.**

On page 3, line 10, of the printed bill, as amended, after "business" insert the following: "but no housing authority of a county shall operate in any city located in said county for which an authority has not been authorized to transact business unless consent of the governing body of such city shall have been obtained".

**Amendment No. 2.**

On page 3, line 27, of the printed bill, as amended, after "ing", insert the following: "to be financed in whole or in part by the Federal Government".

**Amendment No. 3.**

On page 4, line 25, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

**Amendment No. 4.**

On page 4, line 30, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

**Amendment No. 5.**

On page 10, line 45, of the printed bill, as amended, strike out "six per centum (6%)", and insert in lieu thereof the following: "four and one-half per cent (4½%)".

Bill read second time, ordered to print, and on file for third reading.

**Rush Order to Printer.**

By order of the President of the Senate, the Secretary was directed to issue a rush order for printing Assembly Bill No. 4.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read :

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred:

Assembly Bill No. 12—An act to amend section 1143 of the Penal Code, relating to the fees of jurors, declaring the urgency hereof and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

LAW, Chairman.

### Consideration of Assembly Bill No. 12.

#### Resolution.

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Assembly Bill No. 12 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Fletcher, Garrison, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—30.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 12.

#### Second Reading of Assembly Bill No. 12.

Assembly Bill No. 12—An act to amend section 1143 of the Penal Code, relating to the fees of jurors, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read second time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1, Article IV of the Constitution of the State of California and shall take effect immediately.

The facts constituting such necessity are as follows:

For some time attorneys and judges have assumed that persons serving on juries in criminal cases triable in municipal courts were entitled to the same fees for their services as persons serving on juries in criminal cases triable in the superior courts. The result of current inquiries indicates that such may not be the case. This uncertainty in the law has caused great confusion in the minds of judges and county fiscal officers who are charged with the responsibility of auditing and paying claims for jury duty. The public peace and safety requires that this uncertainty and confusion be immediately determined and resolved, and for that purpose it is essential that this act be immediately effective.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

**NOES**—None.

#### Third Reading of Assembly Bill No. 12.

**Assembly Bill No. 12**—An act to amend section 1143 of the Penal Code, relating to the fees of jurors, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 12 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—34.

**NOES**—None.

Assembly Bill No. 12 ordered transmitted to the Assembly.

#### Further Consideration of Assembly Bill No. 25.

**Assembly Bill No. 25**—An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled "An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes therein specified.

Bill read third time.

#### Urgency Clause.

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Unprecedented floods, resulting in loss of life and damage to property, coupled with increasing destitution due to and caused by unemployment, have augmented demands upon agencies of the State, which can not be met from existing appropriations, and therefore appropriation of additional moneys for the effective operations of such agencies is imperative."

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Knowland, Law, McBride, McColl, McCormack, Mixer, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

**NOES**—None.

Assembly Bill No. 25 ordered on file for third reading.

### Notice of Motion to Amend Rules.

Senator Tickle gave notice that on the next legislative day he would move the adoption of the following resolution amending the Standing Rules of the Senate:

*Resolved by the Senate of the State of California, That Rules 7 and 8 of the Standing Rules of the Senate be amended to read as follows:*

7. All standing committees of the Senate shall be named by a Committee on Committees, as hereinafter provided, unless otherwise ordered, and the first named of the members of each standing committee shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

Immediately after the convening of the January session, five Senators shall be chosen as a Committee on Committees. The members of the Senate shall be divided into five groups, consisting of the Senators from the Senatorial Districts numbered 1 to 8, 9 to 16, 17 to 24, 25 to 32, and 33 to 40, respectively. Each group shall choose one of its number as a member of the Committee on Committees.

These five members, together with the President and President pro tempore of the Senate shall constitute the Committee on Committees.

The President of the Senate shall be chairman of the committee.

8. Immediately after the convening of the January session, the following standing committees shall be appointed by the Committee on Committees:

Resolution referred to Committee on Rules.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a concurrent resolution was presented:

By Senator Swing:

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: In accordance with the provisions of Rules of the Senate, I request permission to introduce a concurrent resolution, the title of which is set forth below:

Requesting the Department of Public Works and the Department of Finance to report to the fifty-third session of the Legislature regarding the amount of property damaged or destroyed during recent storms and floods and the causes thereof.

Respectfully submitted,

SENATOR SWING.

Request referred to Committee on Rules.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Building and Loan Associations.

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred:

Assembly Bill No. 19—An act to amend section 9.18 of the Building and Loan Association Act, relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, declaring the urgency hereof and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

McBRIDE, Chairman.  
GORDON.  
KEATING.  
CRITTENDEN.  
KNOWLAND.

### Consideration of Assembly Bill No. 19.

#### Resolution.

The following resolution was offered:

By Senator McBride:

*Resolved, That Assembly Bill No. 19 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.*

Resolution read.



The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 19.

#### Second Reading of Assembly Bill No. 19.

**Assembly Bill No. 19**—An act to amend section 9.18 of the Building and Loan Association Act, relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read second time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall take effect immediately. The facts constituting this necessity are as follows:

The Congress of the United States has passed and the President has signed certain amendments to the National Housing Act authorizing the insurance of loans and advances of credit for the purpose of financing the construction, improvement or repairs of homes and other structures on much more favorable terms than have heretofore been available.

In order to allow building and loan associations to make loans on these more favorable terms and in order to make available to the residents of the State of California the full advantages of the National Housing Act, the public peace, health and safety require that this act go into immediate effect. If the residents of the State of California are able to obtain building loans on the favorable terms offered under the National Housing Act it will stimulate employment in many major industries, thereby reducing the burden of public relief.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Law, McBride, McColl, McCormack, Mixter, Nielsen, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—30.

NOES—None.

#### Third Reading of Assembly Bill No. 19.

**Assembly Bill No. 19**—An act to amend section 9.18 of the Building and Loan Association Act, relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 19 passed by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Law, McBride, McColl, Mixter, Nielsen,

Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Assembly Bill No. 19 ordered transmitted to the Assembly.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Constitutional Amendment No. 1.

JAMES G. SMYTH, Chief Clerk of Assembly.

By JACK CARL GREENBURG, Assistant Clerk.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Finance.

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 7—An act to amend sections 86, 87 and 89 of, and to add section 88.5 to, the Agricultural Code, relating to agricultural districts and including provision for leasing, letting and granting licenses for the use of property of such districts, providing that the Director of Finance may make available certain State property for the use of such districts, declaring the urgency of this act, and providing that it shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

SWING, Chairman.

### Consideration of Assembly Bill No. 7.

#### Resolution.

The following resolution was offered:

By Senator McGovern:

*Resolved*, That Assembly Bill No. 7 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second time.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

#### Second Reading of Assembly Bill No. 7.

**Assembly Bill No. 7**—An act to amend sections 86, 87 and 89 of, and to add section 88.5 to, the Agricultural Code, relating to agricultural districts and including provision for leasing, letting and granting licenses for the use of property of such districts, providing that the Director of Finance may make available certain State property for the use of such districts, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time.

#### Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows:

Public Works Administration grants will or may be available to those agricultural districts which may under the provisions of this act lease, let, or grant licenses for the use of their properties for fair or exposition purposes. This act is designed to permit such leasing, letting or licensing.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—32.

NOES—None.

Assembly Bill No. 7 ordered on the third reading file.

### Further Consideration of Assembly Bill No. 25.

**Assembly Bill No. 25**—An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled 'An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately,' approved May 4, 1937, for the purposes therein specified.

#### Amendment from the Floor.

During third reading of Assembly Bill No. 25 the following amendment, offered by Senator Garrison, was read and adopted:

#### Amendment.

On page 2, line 7, of the printed bill, as amended, after "tion of", insert the following: "levies, flood control works, city and".

Bill read, ordered to print, and on file for third reading.

#### Rush Order to Printer.

On motion of Senator Garrison, the Secretary was directed to issue a rush order for printing Assembly Bill No. 25.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 5—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipal corporations where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipal corporation voting upon the question of incurring such bonded indebtedness; providing for a levy of taxes to pay the principal and interest of such bonds; and declaring the urgency of this act;

And reports that the same has been correctly enrolled, and presented to the Governor on the eleventh day of March, 1938, at four o'clock p.m.

METZGER, Chairman.

#### Adjournment.

At four o'clock and thirty-five minutes p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Saturday, March 12, 1938.

ELLSWORTH W. SCAMMON, Minute Clerk.

## IN SENATE

SENATE CHAMBER.

SACRAMENTO, Saturday, March 12, 1938.

At 10 o'clock a.m., pursuant to adjournment, the Senate was called to order.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—38.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. Clarence A. Kircher.

### Reading of the Journal.

During the reading of the Journal of Friday, March 11, 1938, the further reading was, on motion of Senator Slater, dispensed with.

### Privilege of Floor of Senate Extended.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Maitland S. Pennington, Dallas David Pennington, Mrs. Alf Pennington, Mrs. Grace Swortfiguer and Graham Sitton.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended by Mr. and Mrs. E. C. Moyer of Sacramento.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Earl Kay of Meridian, Sutter County.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lewis W. Armstrong and B. T. Galeb of Los Gatos, Robt. A. McArthur of Cupertino, and M. G. Montrezza of San Jose.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Alfred Brunson MacChesney, III, Associate Professor of Law, of Berkeley.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 33—An act making an appropriation for the expenses of the Assembly for the extra session of the fifty-second Legislature, to take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. Bootu, Assistant Clerk.

. Assembly Bill No. 33 referred to Committee on Rules.



ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the assembly on this day passed:

Assembly Bill No. 10—An act to amend sections 8, 9, 10, 12, 33, 33a, 39, 42, 9, 78, 83, 85a, and 86 of, and to add sections 3a, 75a, and 83b to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employment Retirement System and to retirement of employees of the University of California and making an appropriation therefor.

Assembly Concurrent Resolution No. 15—Relating to the relief of the hardship and destitution in Fresno County caused by the recent floods.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 10 referred to Committee on Rules.

Assembly Concurrent Resolution No. 15 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the assembly on this day passed:

Assembly Bill No. 27—An act to repeal and add section 3897 of the Political Code and to add to Title IX of Part III thereof Chapter VIIa, consisting of sections 3833 to 3836.2, relating to sale of tax-deeded lands.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 27 referred to Committee on Rules.

### Request for Permission to Introduce a Bill.

The following request for permission to introduce a concurrent resolution was presented:

By Senator Wagy:

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: In accordance with the provisions of the Rules of the Senate, I request permission to introduce a concurrent resolution, the title of which is set forth below:

Relative to fire hazards along the State highways.

Respectfully submitted.

SENATOR WAGY.

Request referred to Committee on Rules.

### Reports of Standing Committees.

The following report of standing committee was received and read:

#### On Agriculture.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 23—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

CRITTENDEN, Chairman.

**Consideration of Assembly Bill No. 23.**

**Assembly Bill No. 23**—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Agriculture, the following amendments to Assembly Bill No. 23 were read and adopted:

**Amendment No. 1.**

On page 2, line 4, of the printed bill, strike out the period, and insert in lieu thereof, "or milk products."

**Amendment No. 2.**

On page 3 of the printed bill, strike out all of line 46, and insert in lieu thereof the following: "cooperative marketing association may sign such petition for its members if expressly authorized so to do by an instrument in writing".

**Amendment No. 3.**

On page 4 of the printed bill, strike out all of lines 1 to 13, inclusive, and insert in lieu thereof the following:

"In the case of horticultural or viticultural products each producer shall be entitled to sign for the number of producing factors specified in the petition, which he produced or possessed during the preceding season, or in the case of vegetable products or livestock and poultry and their products, the producing factor shall be based upon the actual acreage planted or livestock owned or the products thereof produced at the time he signs the petition."

**Urgency Clause.**

SEC. 10. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of this State and shall, therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The economic conditions confronting many agricultural producers throughout the State are such as to require immediate remedy if their purchasing power and taxpaying ability are to be improved and maintained and their standards of living and of citizenship are not to be undermined. Legislative remedies affecting the marketing of agricultural commodities must take effect immediately if they are to be of benefit during the current year.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Crittenden moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McGovern, Mixter, Parkman, Phillips, Quinn, Schottky, Slater, Wagy, Westover, and Young—23.

The Secretary announced the absentees.

Time, ten o'clock and nine minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

##### On Rules.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred: The request of Senator Swing to introduce a Senate concurrent resolution entitled:

Relative to requesting the Department of Public Works and the Department of Finance to report to the fifty-third session of the Legislature regarding the amount of property damaged or destroyed during recent storms and floods and the causes thereof;

The request of Senator Tickle to introduce a Senate resolution entitled:

Relative to the appointment of a "Committee on Committees";

Has had the same under consideration, and respectfully reports the same back, and recommends that the requests be granted.

Committee membership—5; committee vote: Ayes 5.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and permission granted.

#### Introduction, First Reading and Reference of Bills.

The following concurrent resolution was introduced:

**Senate Concurrent Resolution No. 8:** By Senator Swing—Relative to requesting the Department of Public Works and the Department of Finance to report to the fifty-third session of the Legislature regarding the amount of property damaged or destroyed during recent storms and floods and the causes thereof.

Resolution read, and ordered on file.

#### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

##### On Finance.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 8—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—1; absent—3.

SWING, Chairman.

#### Second Reading of Senate Bill No. 8.

**Senate Bill No. 8:** By Senator McGovern—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the pro-

visions of the Old Age Security Law, and providing for the payment thereof to the counties.

Bill read second time, and ordered on file for third reading.

### Consideration of Daily File.

**Assembly Bill No. 6**—An act to amend the title and section 3 of an act entitled "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the Golden Gate International Exposition, declaring the urgency of this act, to take effect immediately.

### Amendments from the Floor.

During third reading of Assembly Bill No. 6, the following amendments offered by Senator Parkman, were read and adopted:

#### Amendment No. 1.

On page 1, of the printed bill, as amended, strike out lines 12 and 13 of the title and insert in lieu thereof the following: "national Exposition."

#### Amendment No. 2.

On page 3 of the printed bill, as amended, strike out lines 10 to 20, inclusive.

Bill read, ordered to print, and on file for third reading.

### Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and eleven minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Crittenden.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 23 adopted by the following vote:

**AYES**—Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, and Young—30.

**NOES**—None.

Bill read second time, ordered to print, and on file for third reading.

### Rush Order to Printer.

By order of the President of the Senate, the Secretary was directed to issue a rush order for printing Assembly Bill No. 23.

### Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, and Young—30.

The Secretary announced the absentees.

Time, ten o'clock and twelve minutes p.m.



The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.  
Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Judiciary.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 14—An act to amend sections 1, 2, 12, 17 and 20 of an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bond of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding," approved July 20, 1935, as amended, and validating refunding proceedings heretofore taken under said act, refunding assessments heretofore levied and refunding bonds heretofore issued under said act, and declaring the urgency of this act to take effect immediately;

Assembly Bill No. 15—An act to amend sections 1, 2, 12 and 15 of the Assessment Bond Refunding Act of 1933, as amended, relating to the refunding of indebtedness of special improvement districts, the levy and enforcement of reassessments therefor, the issuance of refunding bonds, the contribution of public funds to assist in such refunding, and validating refunding proceedings heretofore taken, refunding reassessments heretofore levied, and refunding bonds heretofore issued, and declaring the urgency hereof to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

HAYS, Chairman.

**Second Reading of Assembly Bill No. 14.**

**Assembly Bill No. 14**—An act to amend sections 1, 2, 12, 17 and 20 of an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding," approved July 20, 1935, as amended, and validating refunding proceedings heretofore taken under said act, refunding assessments heretofore levied and refunding bonds heretofore issued under said act, and declaring the urgency of this act to take effect immediately.

Bill read second time.

**Urgency Clause.**

SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the

meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

The indebtedness of special improvement districts payable from ad valorem assessments or from general taxes is in many instances greater than the property within the district can pay. Pyramiding of the taxes and assessments has resulted in many districts becoming almost entirely delinquent, and in preventing the upbuilding and development of lands in such districts and the collection of general taxes for the support of city, school and county government. In many districts large areas of land have been sold to the State for delinquency in the payment of taxes and assessments, and deeds to the State have been issued. These districts comprise substantial areas which have become almost entirely unproductive of revenue for school, city and county purposes. Lack of revenue, by reason of such delinquencies and the overlapping and pyramiding of taxes and assessments, has hampered and prevented some cities from providing adequate police and fire protection, sanitary and other health facilities. By refunding the obligations of such districts under this act, properties will be restored to the tax roll, delinquent taxes will be paid, and revenues provided from these districts to meet the urgent needs of cities, school districts and counties. Unless relief is immediately given under this act, thousands of property owners will lose their property, hundreds of thousands of dollars in taxes will be uncollectible, and funds necessary to provide for the safety and health of the inhabitants of several cities can not be supplied. The immediate refinancing of the indebtedness of these districts, as provided in this act, will restore property to the tax rolls, save property owners from the loss of their property, provide funds urgently needed for public safety, sanitation and health purposes, and permit building and development within such districts which is now paralyzed through fear of pyramiding taxes and assessments.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Slater, Swing, Tickle, Waggy, Westover, and Young—31.

NOES—None.

#### Resolution.

The following resolution was offered:

By Senator Phillips:

*Resolved*, That Assembly Bill No. 14 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—33.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 14.

#### Third Reading of Assembly Bill No. 14.

**Assembly Bill No. 14**—An act to amend sections 1, 2, 12, 17 and 20 of an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and

sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding," approved July 20, 1935, as amended, and validating refunding proceedings heretofore taken under said act, refunding assessments heretofore levied and refunding bonds heretofore issued under said act, and declaring the urgency of this act to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 14 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

NOES—None.

Assembly Bill No. 14 ordered transmitted to the Assembly.

### Second Reading of Assembly Bill No. 15.

**Assembly Bill No. 15**—An act to amend sections 1, 2, 12 and 15 of the Assessment Bond Refunding Act of 1933, as amended, relating to the refunding of indebtedness of special improvement districts, the levy and enforcement of reassessments therefor, the issuance of refunding bonds, the contribution of public funds to assist in such refunding, and validating refunding proceedings heretofore taken, refunding reassessments heretofore levied, and refunding bonds heretofore issued, and declaring the urgency hereof to take effect immediately.

Bill read second time.

#### Urgency Clause.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

The indebtedness of special improvement districts payable from ad valorem assessments or from general taxes is in many instances greater than the property within the district can pay. Pyramiding of the taxes and assessments has resulted in many districts becoming almost entirely delinquent, and in preventing the upbuilding and development of lands in such districts and the collection of general taxes for the support of city, school and county government. In many districts large areas of land have been sold to the State for delinquency in the payment of taxes and assessments, and deeds to the State have been issued. These districts comprise substantial areas which have become almost entirely unproductive of revenue for school, city and county purposes. Lack of revenue, by reason of such delinquencies and the overlapping and pyramiding of taxes and assessments, has hampered and prevented some cities from providing adequate police and fire protection, sanitary and other health facilities. By refunding the obligations of such districts under this act, properties will be restored to the tax roll, delinquent taxes will be paid, and revenues provided from these districts to meet the urgent needs of cities, school districts and counties. Unless relief is immediately given under this act, thousands of property owners will lose their property, hundreds of thousands of dollars in taxes will be uncollectible, and funds necessary to provide for the safety and health of the inhabitants of several cities can not be supplied.

The immediate refinancing of the indebtedness of these districts, as provided in this act, will restore property to the tax rolls, save property owners from the loss of their property, provide funds urgently needed for public safety, sanitation and health purposes, and permit building and development within such districts which is now paralyzed through fear of pyramiding taxes and assessments.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

NOES—None.

#### Resolution.

The following resolution was offered:

By Senator Phillips:

*Resolved*, That Assembly Bill No. 15 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 15.

#### Third Reading of Assembly Bill No. 15.

**Assembly Bill No. 15**—An act to amend sections 1, 2, 12 and 15 of the Assessment Bond Refunding Act of 1933, as amended, relating to the refunding of indebtedness of special improvement districts, the levy and enforcement of reassessments therefor, the issuance of refunding bonds, the contribution of public funds to assist in such refunding, and validating refunding proceedings heretofore taken, refunding reassessments heretofore levied, and refunding bonds heretofore issued, and declaring the urgency hereof to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 15 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

NOES—None.

Assembly Bill No. 15 ordered transmitted to the Assembly.



**Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Revenue and Taxation.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 5—An act to add Chapter IXa, consisting of sections 3857 to 3859.20, inclusive, to Title IX of Part III of the Political Code, relating to property taxation;

Has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—9; committee vote: Ayes—6; noes—2; absent—1.

KNOWLAND, Chairman.

**Second Reading of Assembly Bill No. 5.**

**Assembly Bill No. 5**—An act to add Chapter IXa, consisting of sections 3857 to 3859.20, inclusive, to Title IX of Part III of the Political Code, relating to property taxation.

Bill read second time.

**Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That Assembly Bill No. 5 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—33.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 5.

Bill read, and ordered on file for third reading.

**Reports of Standing Committees—(Resumed).**

The following reports of standing committee were received and read:

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 2—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817c6, 3817k, and 3817.1 thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales, and declaring the urgency thereof, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the twelfth day of March, 1938, at 10 o'clock a.m.

METZGER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 8—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties;

And reports that the same has been correctly engrossed. METZGER, Chairman.

**Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 15—Relating to the relief of the hardship and destitution in Fresno County caused by the recent floods;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be considered.

(Signed out)

RICH, Chairman.  
TICKLE.  
SLATER.  
KNOWLAND.  
MCCOLL.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted.

**Introduction, First Reading and Reference of Bills.**

The following concurrent resolution was introduced:

**Assembly Concurrent Resolution No. 15**—Relating to the relief of the hardship and destitution in Fresno County caused by the recent floods.

Assembly Concurrent Resolution No. 15 read, and re-referred to Committee on Rules.

**Reports of Standing Committees—(Resumed).**

The following reports of standing committee were received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 27—An act to repeal and add section 3897 of the Political Code and to add to Title IX of Part III thereof Chapter VIIIa, consisting of sections 3833 to 3836.2, relating to sale of tax-deeded lands;

Assembly Bill No. 33—An act making an appropriation for the expenses of the Assembly for the extra session of the fifty-second Legislature, to take effect immediately;

Assembly Bill No. 10—An act to amend sections 8, 9, 10, 12, 33, 33a, 39, 42, 49, 78, 83, 85a, and 86 of, and to add sections 3a, 75a, and 83b to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employment Retirement System and to retirement of employees of the University of California and making an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

(Signed out)

RICH, Chairman.  
TICKLE.  
SLATER.  
KNOWLAND.  
MCCOLL.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted.

Assembly Bill No. 27 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 33 read first time, and referred to Committee on Finance.

Assembly Bill No. 10 read first time, and referred to Committee on Governmental Efficiency.

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Waggy for permission to introduce a concurrent resolution entitled:

Relative to fire hazards along the State highways;

Has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.  
TICKLE.  
SLATER.  
KNOWLAND.  
McCOLL.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted, and the request granted.

### Introduction, First Reading and Reference of Bills.

The following concurrent resolution was introduced:

**Senate Concurrent Resolution No. 9:** By Senator Wagye—Relative to fire hazards along the State highways.

### Consideration of Senate Concurrent Resolution No. 9.

Senator Wagye asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 9, without reference to committee, for purpose of adoption.

#### Senate Concurrent Resolution No. 9.

Relative to fire hazards along the State highways.

WHEREAS, The heavy rainfall this winter will cause a very large growth of grass, which will create fire hazards in various parts of California this coming summer; and

WHEREAS, Many fires start on State highway rights-of-way, and are caused by autoists; and

WHEREAS, Owners of property adjoining State highways are entitled to protection from fires which are caused by autoists using State highways; and

WHEREAS, It is believed that insufficient attention has heretofore been given by the State Department of Public Works to the matter of protecting property adjoining State highways from fires; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Department of Public Works is hereby directed to actively plan to prevent such fires, and to allocate sufficient funds at once to protect property adjoining State highways from fires caused by autoists; and be it further

*Resolved,* That copies of this resolution be sent to Honorable Frank F. Merriam, Governor of California, to all members of the California Highway Commission, and to Honorable Earl Lee Kelly, Director of Public Works.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 9 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Denel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagye, Westover, and Young—32.

NOES—None.

Senate Concurrent Resolution No. 9 ordered transmitted to the Assembly.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Finance.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 33—An act making an appropriation for the expenses of the Assembly for the extra session of the fifty-second Legislature, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

SWING, Chairman.

**Consideration of Assembly Bill No. 33.****Resolution.**

The following resolution was offered:

By Senator Swing:

*Resolved*, That Assembly Bill No. 33 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—33.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 33.

**Second Reading of Assembly Bill No. 33.**

**Assembly Bill No. 33**—An act making an appropriation for the expenses of the Assembly for the extra session of the fifty-second Legislature, to take effect immediately.

**Consideration of Committee Amendment.**

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 33 was read and adopted.

**Amendment.**

On page 1, line 1, of the printed bill, strike out "\$10,000", and insert in lieu thereof "\$2,000".

**Urgency Clause.**

SEC. 3. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it shall, under the provisions of Article IV, section 1 of the Constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Westover—31.

NOES—None.

Bill read second time, ordered to print, and on file for third reading.

**Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Governmental Efficiency.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 8—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs;



Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

SEAWELL, Chairman.

### Consideration of Assembly Bill No. 8.

#### Resolution.

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Assembly Bill No. 8 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, McCormack, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 8.

### Second Reading of Assembly Bill No. 8.

**Assembly Bill No. 8**—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 8 were read and adopted:

##### Amendment No. 1.

On page 2, line 6, of the printed bill, strike out the words "All moneys", and insert in lieu thereof the word "Moneys".

##### Amendment No. 2.

On page 2, line 8, of the printed bill, after the word "shall", insert the word "not".

Bill read second time, ordered to print, and on file for third reading.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred: Senate Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States to enact H. R. 9256, relative to reimbursement by the Federal Government to States and counties for expenditures in behalf of nonresidents;

Senate Joint Resolution No. 6—Urging the enactment of House of Representatives Bill No. 8430 now pending in the Congress of the United States, providing for Federal aid in the construction of the "T" tunnel project at San Pedro Harbor;

Senate Joint Resolution No. 7—Relative to memorializing the President and Congress to provide all necessary aids to night air navigation; Has had the same under consideration, and respectfully reports the same back without recommendation.

(Signed out)

PHILLIPS, Chairman.  
HOLOHAN.  
CUNNINGHAM.

### Consideration of Senate Joint Resolution No. 6.

#### Senate Joint Resolution No. 6.

Urging the enactment of House of Representatives Bill No. 8430 now pending in the Congress of the United States, providing for Federal aid in the construction of the "T" tunnel project at San Pedro Harbor.

WHEREAS, The Honorable Charles J. Colden, representative of the Seventeenth California Congressional District, has introduced a bill designated H. R. No. 8430 in the House of Representatives, which directs the Secretary of War to make a survey of the proposed "T" tunnel as a means of communication and transportation connection between San Pedro, Wilmington and Terminal Island, California, including a survey of the route and the cost and benefits of a direct line of connection between San Pedro, Wilmington, Terminal Island and Long Beach, which comprise the harbor district of, and are contiguous to, the city of Los Angeles, California; and

WHEREAS, The enactment of that bill will be of great importance to the State of California and particularly to the city of Los Angeles, the Los Angeles harbor district and the national defense; now, therefore, be it

*Resolved by the Senate of the California Legislature, the Assembly thereof concurring,* That the President and the Congress of the United States are hereby respectfully urged to enact H. R. No. 8430 authorizing the Secretary of War to make a survey of the proposed "T" tunnel as a means of communication and transportation between San Pedro, Wilmington, Terminal Island and Long Beach, California; and he it further

*Resolved,* That the Secretary of the Senate is hereby directed to prepare and transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to the Senators and Representatives from the State of California in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Phillips, Pierovich, Quinn, Seawell, Swing, Wagy, and Westover—28.

NOES—None.

Senate Joint Resolution No. 6 ordered transmitted to the Assembly.

### Consideration of Senate Joint Resolution No. 7.

#### Senate Joint Resolution No. 7.

Relative to memorializing the President and Congress to provide all necessary aids to night air navigation.

WHEREAS, The Transcontinental & Western Air, Inc., an airline, has been granted permission to operate and maintain passenger, mail and express schedules between San Francisco, California, and Winslow, Arizona, by way of Fresno, California, and Las Vegas, Nevada,

WHEREAS, The present established airway between San Francisco, California, and Winslow, Arizona, via Fresno, California, and Las Vegas, Nevada, is not completely lighted for night flying.

WHEREAS, A completely lighted airway for night flying between San Francisco, California, and Winslow, Arizona, or Kingman, Arizona, would relieve the necessity of using portions of the present coast airway for night or instrument flying, which is indirect,

WHEREAS, A most unfortunate plane disappearance occurred on this airway which experienced aviators attribute to the lack of adequate signal facilities, which disappearance has probably resulted in the loss of lives of a number of persons, now, therefore, be it

*Resolved, by the Senate and the Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully urges and memorializes the President and the Congress of the United States of America to take such

steps as are proper to remedy the present situation and to speedily cause to be installed all the necessary aids to air navigation as to permit regular night scheduled airline operation direct between San Francisco, California, and Winslow, Arizona, or Kingman, Arizona, (whichever would prove to be more suitable) by way of Fresno, California, and Las Vegas, Nevada, and be it further

*Resolved*, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States; and that such Senators and Representatives from California are hereby respectfully urged to support any necessary or appropriate measures for legislation to accomplish the purposes set forth in this resolution.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Allen, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Kenting, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Seavell, Tinkle, Wagy, Westover, and Young—29.

NOES—None.

Senate Joint Resolution No. 7 ordered transmitted to the Assembly.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 6—An act to amend sections 3664b, 3666a, 3668, 3668b, 3668c and 3669 of the Political Code, all relating to the taxation of insurance companies and associations under the provisions of Article XIII of the Constitution of this State, and providing that this act shall take effect upon the effective date of Senate Constitutional Amendment No. 1, proposed at the extraordinary session of the legislature commencing on the seventh day of March, 1938.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 6 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 30—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment hereof to the counties.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 30 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 24—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 24 referred to Committee on Rules.

### Consideration of Daily File.

#### Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 11—An act to amend section 18 of an act entitled 'An act imposing an excise tax on the use in this State of fuel as

defined herein providing for the issuance of permits to the users of such fuel, and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately," approved May 24, 1937, being Chapter 352 of the Statutes of 1937, to appropriate the moneys received in pursuance of said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 11 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Tickle, Waggy, and Westover—31.

**NOES**—None.

Assembly Bill No. 11 ordered transmitted to the Assembly.

**Assembly Bill No. 4**—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency.

Bill read third time.

#### Urgency Clause.

**SEC. 25. Emergency.** This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Unemployment and the existence of unsafe, insanitary and congested dwelling accommodations has produced an alarming economic and social condition in this State. The immediate adoption of this act will enable many housing projects to be undertaken in this State which otherwise can not be financed at this time. This development and construction will furnish employment to many persons now idle, and enable them to become self-supporting, and will alleviate the aforesaid housing conditions.

Urgency clause read.

The question being on the adoption of the urgency clause

The roll was called, and the urgency clause adopted by the following vote:

**AYES**—Senators Allen, Crittenden, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Westover, and Young—29.

**NOES**—None.

#### Amendments from the Floor.

During third reading of Assembly Bill No. 4 the following amendments, offered by Senator Rich, were read.

##### Amendment No. 1.

On page 10, line 6, of the printed bill, as amended, strike out the period, and strike out "An authority shall also have power", and insert in lieu thereof the following: "and".

##### Amendment No. 2.

On page 10, line 8, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: " ; provided, that the resolution of an authority



whereby it is proposed to issue bonds first shall be approved by not less than a majority vote of the governing body of the city or county, as the case may be, which authorized the authority to function or shall provide for submission to the qualified electors residing within the boundaries of such city or county, at the next general election or at a special election called for this purpose, of the question of the issuance of bonds in an amount or amounts and for a purpose or purposes specified in such resolution. At any such election the ballots shall contain a general statement of the proposition or propositions to be voted on, including the amount of bonds proposed to be issued, the maximum rate of interest to be paid thereon, the purpose or purposes for which it is proposed to issue the same, and a statement to the effect that such bonds shall be revenue bonds payable solely from the revenues to be derived from the project or projects proposed to be acquired or constructed through the expenditure of the proceeds of the sale of such bonds, or with such proceeds together with a grant from the Federal Government in aid of such project or projects, or from its revenues generally, and that the bonds shall never be or constitute a lien or charge upon any lands or other property within such area of operation of the housing authority, and that no tax shall ever be levied or collected by such city or county for the purpose of paying principal or interest on such bonds. If at such election a majority of the votes cast shall be in favor of the issuance of such bonds, such issuance and the sale thereof in accordance with the provisions of this act shall be authorized."

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Westover, and Garrison, on the adoption of the amendment to Assembly Bill No. 4.

The roll was called, and amendments to Assembly Bill No. 4 refused adoption by the following vote:

**AYES**—Senators Biggar, Gordon, Hays, Jespersen, Knowland, McBride, Mixer, Parkman, Phillips, Rich, Schottky, Seawell, Tickle, Wagy, and Young—15.

**NOES**—Senators Allen, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Hollister, Keating, Law, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Pierovich, Powers, Quinn, Slater, Swing, and Westover—21.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 4 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—32.

**NOES**—Senators Biggar, Gordon, Hays, Mixer, and Rich—5.

Assembly Bill No. 4 ordered transmitted to the Assembly.

**Assembly Bill No. 25**—An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled "An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes therein specified.

**Amendment from the Floor.**

During third reading of Assembly Bill No. 25 the following amendment, offered by Senator Biggar, was read and adopted:

**Amendment.**

On page 2, line 7, of the printed bill, as amended, after the word "of", insert the following: "property".

Bill read, ordered to print, re-engrossment, and on file for third reading.

### Communications.

The following communications were received, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
SACRAMENTO, CALIFORNIA, March 10, 1938.

Honorable George M. Biggar, Senate Chamber, State Capital, Sacramento, California.

IN RE: Constitutionality of Aid to County Roads.

DEAR SENATOR BIGGAR:

**Question:** You have asked us whether the State may constitutionally use State funds to aid county roads.

**Opinion:** We believe this may be done.

**Analysis:** It is true that section 31 of Article IV of the Constitution does provide in part:

"The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, \* \* \* in aid of or to any person, association, or corporation, \* \* \* municipal or otherwise, \* \* \* nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; \* \* \* " (Underlineation added.)

On the other hand, section 36 of the same article provides:

"The Legislature shall have power to establish a system of State highways or to declare any road a State highway, and to pass all laws necessary or proper to construct and maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway."

In construing constitutional provisions, a provision relating to a specific subject is deemed controlling and to be an exception to a general provision to the contrary. (*Bayarsky vs. Rass*, (1932) 123 Cal. App. 267 at 275, 11 Pac. (2d) 641.)

The court said in the case of *Bacon Service Corporation vs. Huss*, (1926) 199 Cal. 21 at 40, 248 Pac. 235:

" \* \* \* The license taxes here imposed by the Legislature are in furtherance of a State purpose for the maintenance of State highways and to extend aid in the maintenance of county highways. This action of the Legislature would seem to be fully authorized by section 36 of Article IV of the Constitution, \* \* \* ".

In holding that the Legislature can constitutionally appropriate to counties a part of the in lieu tax providing the counties spend the money for State purposes, the court said in the case of *County of Los Angeles vs. Riley et al.*, (1936) 6 Cal. (2d) 625 at 628, 59 Pac. (2d) 139, 106 A. L. R. 903:

" \* \* \* If the Legislature, in enacting section 9 (c), had expressly placed a limitation in the statute to the effect that the moneys appropriated to the counties should be expended only for certain State purposes, there can be no doubt at all that the section would be valid, even though the enumerated purposes could have been carried out with county funds. The appropriation of various amounts to counties from various funds for highway purposes is a typical illustration. (See also *Golden Gate Bridge etc., Dist. vs. Felt*, 214 Cal. 308 (5 Pac. (2d) 585).)"

We therefore conclude that money may be appropriated to counties for the purpose of repair and maintenance of county highways.

If we can do anything further in this matter, please do not hesitate to let us know.

Very truly yours,

FRED B. WOOD, Legislative Counsel.  
By EDWARD H. GAYLORD, Assistant Counsel.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
SACRAMENTO, CALIFORNIA, March 11, 1938.

Honorable Bradford S. Crittenden,  
Senate Chamber, State Capital,  
Sacramento, California.

SUBJECT: Effect of Statutory Recitals Upon the Body of a Bill.

REQUEST: No. 9637.

DEAR SENATOR:

**Question:** This is in response to your request for our opinion concerning the legal effect of those certain "whereas" clauses which precede the enacting clause in Assembly Bill No. 25, which makes an appropriation to the emergency fund created by the 1937 Budget Act (Chap. 157, p. 423, Stats. of 1937).

**Opinion:** It is our opinion that the "whereas" clauses to which you refer do not have the authority of law and do not legally limit the purposes for which the moneys appropriated by Assembly Bill No. 25 may be expended.

**Analysis:** The purpose of Assembly Bill No. 25 is to appropriate the sum of \$6,000,000 to the emergency fund specified and created by Item 189 of section 1 of the 1937 Budget Act (Chap. 157, p. 423, Stats. of 1937).

Certain "whereas" clauses precede the enacting clause of the bill. We have been unable to find any California case which considers the effect of any such clauses upon the body of the bill.

The language of these "whereas" clauses appears to be in form substantially similar to the "whereas" clauses commonly appearing in concurrent and joint resolutions. In substance they appear to be merely statements of the facts which justify the appropriation which is subsequently made. They partake of the nature of a statutory preamble or recital.

The rule of statutory construction applicable to statutory preambles and recitals is clearly stated and amply supported by authorities in Volume 59 of *Corpus Juris* in section 598 under the heading entitled "Statutes" as follows:

"In cases of doubt as to the proper construction of the body of a statute, resort must be had to the preamble or recitals, for the purpose of ascertaining the legislative intent; but where the enacting part of the statute is unambiguous, its meaning will not be controlled or affected by anything in the preamble or recitals."

Likewise section 1305 of Hughes' Parliamentary Guide in referring to a statutory preamble says: "It is in no sense a part of the bill, no action is taken on such statement. It is merely for the information of the members."

In our opinion Assembly Bill No. 25 is not ambiguous and its meaning will not be controlled or affected by anything in the recitals in the preamble.

We do believe, however, that they indicate the amounts which the Legislature believed would be required for the various uses to which the money appropriated to the emergency fund should be put and that they provide the justification, if any is required, for the additional appropriation which is to be made. They do clearly indicate the belief on the part of the Legislature that certain appropriations which have heretofore been made for certain purposes are inadequate or that no appropriation has been made for those purposes and that the Legislature desires through the medium of the emergency fund to make money available to the Director of Finance with which to supplement those appropriations or to make money available for those purposes. It appears that the Director of Finance would be at least morally obligated to allocate the moneys appropriated by the bill to the purposes referred to in the preamble of the bill.

If the recitals in the preamble had the effect of legally and effectually restricting the use of the moneys thereby appropriated it would, we believe, render the bill unconstitutional and violative of that portion of section 34 of Article IV of the Constitution which provides:

"No bill making an appropriation of money, except the Budget Bill, shall contain more than one item of appropriation, and that for one single and certain purpose to be therein expressed."

Our opinion in this regard is based upon the recent case of *Reardon vs. Riley*, 95 Cal. Decisions 73, (1938), which held that the provisions of Item 78 of the Budget Act (Chap. 157 Stats. of 1937), which sought to earmark certain minor sums of a larger appropriation constituted items of appropriation and were subject to elimination by the Governor in the exercise of his veto power.

We trust that the foregoing information will sufficiently answer your question and that it will be of assistance to you.

Very truly yours,

FRED B. WOOD, Legislative Counsel.  
By GEORGE W. WAKEFIELD, Deputy.

### Announcement.

The following announcement was received, and, upon motion of Senator Crittenden, ordered printed in the Journal:

#### SENATE INTERIM COMMITTEE ON AGRICULTURAL MARKETING.

A meeting of this committee is scheduled at the Assembly Room, State Building, Los Angeles, March 28, 29, 30, at ten o'clock a.m. Hearings will be held on the Desmond Milk Bill and Prorate Act at this meeting.

BRAIDFORD S. CRITTENDEN, Chairman.  
JAMES J. McBRIDE, Secretary.

#### Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

**Recess.**

At eleven o'clock a.m., on motion of Senator Rich, the President of the Senate declared recess until eleven o'clock and fifteen minutes a.m.

**Call of the Senate.**

Senator Crittenden moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hollister, Law, McCormack, Mixer, Schottky, and Young—13.

The Secretary announced the absentees.

Time, eleven o'clock and fifteen minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.****Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 16—Relative to housing conditions at the Veterans' Home of California;

Assembly Joint Resolution No. 9—Relative to memorializing the Congress of the United States to extend assistance to the American Merchant Marine;

Assembly Joint Resolution No. 12—Relative to memorializing Congress concerning the tariff on Tungsten products.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 16 read, and referred to Committee on Rules.

Assembly Joint Resolution No. 9 read, and referred to Committee on Rules.

Assembly Joint Resolution No. 12 read, and referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 4—Relative to memorializing the President and Congress to provide for the maintenance of intercoastal steamship lines between the Atlantic seaboard and the Pacific coast.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Senate Joint Resolution No. 4 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Concurrent Resolution No. 12—Relative to granting a full and complete pardon to Thomas J. Mooney.

JAMES G. SMYTH, Chief Clerk of Assembly.

By E. A. TOOK BERRY, Assistant Clerk.

Assembly Concurrent Resolution No. 12 read, and referred to Committee on Rules.



## ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XIII thereof a new section to be numbered 14½, relating to the taxation of insurance companies and associations.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Constitutional Amendment No. 1 ordered to enrollment.

## ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 3—Relative to memorializing and petitioning the President of the United States and the Congress to enact legislation providing mediation and arbitration of labor disputes.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By E. A. TOOK BERRY, Assistant Clerk.

Assembly Joint Resolution No. 3 read, and referred to Committee on Rules.

## Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, March 12, 1938.

*To the Members of the Legislature:*

GREETINGS: Honorable Frank Bane, Executive Director of the Social Security Board, called me this morning on long distance telephone from Washington, D. C., suggesting that Assembly Bill No. 21 be amended to include substantially the following:

" , which standards shall not in any way abridge the right of county civil service boards to set qualifications for county welfare employees. Such qualifications set by county civil service boards shall be equal to or higher than those established by rule and regulation of the State Social Welfare Board. No rules of eligibility for county employment set by the Social Welfare Board under this section shall disqualify any incumbent employee from continuing in his present position: providing the standard of performance of such employee shall be equal to that established by the Social Welfare Board."

That members of the Legislature may be informed of the wishes of the Social Security Board, I am forwarding their request for your consideration in connection with the above mentioned bill.

Very truly yours,

FRANK F. MERRIAM, Governor of California.

## Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

## On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 27—An act to repeal and add section 3897 of the Political Code and to add to Title IX of Part III thereof Chapter VIIa, consisting of sections 3833 to 3836.2, relating to sale of tax-deeded lands;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

KNOWLAND, Chairman.

## Consideration of Assembly Bill No. 27.

Assembly Bill No. 27—An act to repeal and add section 3897 of the Political Code and to add to Title IX of Part III thereof Chapter VIIa, consisting of sections 3833 to 3836.2, relating to sale of tax-deeded lands.

## Resolution.

The following resolution was offered:

By Senator Rieh:

*Resolved*, That Assembly Bill No. 27 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Swing, Tickle, and Young—28.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 27.

## Second Reading of Assembly Bill No. 27.

**Assembly Bill No. 27**—An act to repeal and add section 3897 of the Political Code and to add to Title IX of Part III thereof Chapter VIIA, consisting of sections 3833 to 3836.2, relating to sale of tax-deeded lands.

Bill read second time, and ordered on file for third reading.

## Third Reading of Assembly Bill No. 27.

**Assembly Bill No. 27**—An act to repeal and add section 3897 of the Political Code and to add to Title IX of Part III thereof Chapter VIIA, consisting of sections 3833 to 3836.2, relating to sale of tax-deeded lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 27 passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Swing, Tickle, and Young—30.

NOES—None.

Assembly Bill No. 27 ordered transmitted to the Assembly.

## Communication.

The following communication was received, read, and ordered printed in the Journal:

(COPY)

SACRAMENTO, CALIFORNIA, March 12, 1938.

*Honorable C. Don Field,  
Assembly Chamber,  
State Capitol,  
Sacramento, California.*

SUBJECT: Assembly Bill No. 27 Concerning Sale of Tax-Deeded Lands.

REQUEST: No. 9664.

DEAR MR. FIELD:

**Question:** This is in response to your request for an opinion upon the question of whether or not Assembly Bill No. 27, as amended in Assembly March 10, 1938,

is on a subject specified in the proclamation as originally issued or as amended, within the meaning of the word "subject" as this term is used in section 9 of Article V of the Constitution.

Assembly Bill No. 27 repeals and adds section 3897 of the Political Code and adds Chapter VIIIA to Title IX of Part III of the Political Code, relating to the sale of tax-deeded lands through private sales and at public auctions, and providing for the distribution of the proceeds of such sales. Under its provisions the duties and powers of the public officials in connection with tax sales and tax deeds are revised, and new methods provided for the disposal of the tax-deeded properties.

**Opinion:** This bill is a subject within the provisions of Item 12 of the Governor's proclamation as originally introduced, and is properly covered by the portion thereof which we have underlined:

"12. To consider and act upon an act to set up a procedure to determine the validity of tax sales and tax deeds and the taxes for any year since a tax sale and, if invalid, to correct the causes of invalidity and render the sales and deeds valid, and stating the powers and duties of public officers in relation to tax sales, tax deeds, and redemptions."

In reaching this decision we have not had the benefit of any judicial decision in this State directly involving the precise question here presented. *People vs. Curry* (1900) 130 Cal. 82, 62 Pac. 516 considered and decided only the question of whether or not the Legislature could enact a constitutional amendment, the subject of which amendment was not mentioned in any way in the call and did not involve any construction of the provisions of the call. Consequently our opinion is based upon a consideration of various factors judicially recognized and approved by the courts of other States in passing upon similar questions under analogous constitutional provisions.

**Analysis:** In general it may be stated that while the Governor may limit the Legislature to a specific question or to some reasonable classification of the general subject, he can not limit the Legislature to a particular bill or to a particular mode or method of exercising the legislative function (*In re Governor's Proclamation* (1894) 19 Colo. 333, 35 Pac. 530; *People vs. District Court* (1898) 23 Colo. 150, 46 Pac. 781).

In declaring a rule similar to the foregoing, the Montana and West Virginia courts have predicated it upon the theory that the Constitution, in authorizing the executive to state the business of an extraordinary session did not confer any legislative power upon him. (*State vs. Clancy* (1904) 30 Mont. 529, 77 Pac. 312; *State Road Commission vs. West Virginia Bridge Commission* (1932) 112 W. Va. 514, 166 S. E. 11.)

To ascertain the scope and meaning of the subjects mentioned in the proclamation and to ascertain the validity of legislation enacted thereunder, it is competent to consider the Governor's message delivered to the Legislature at the time of convening. (*Parsons vs. People* (1904) 32 Colo. 221, 76 Pac. 866.) From his message to the Legislature at the time of convening, it appears that the purpose of Item 12 in the proclamation, among other things, is to facilitate the sale of tax-deeded property and to provide for its restoration to the tax rolls:

"Under the existing conditions, these properties (subject to Assembly Bill No. 27) at tax sale would hardly bring any price, for the reason that the purchaser is immediately confronted with an expensive problem of trying to quiet the title. This proposal if enacted into law will permit the sale of these properties at a price which will bring to the political subdivision a substantial amounts of money." (Parentheses ours.)

In applying this rule, permitting the Legislature to exercise a substantial degree of discretion, to questions closely analogous to ours, it has been held that a call specifying that the Legislature was to extend the provisions of an act "for redemptions of lands sold to the State" permitted the Legislature to deal with sales of real estate to public bodies other than the State, inasmuch as the act mentioned in the proclamation was broader and covered all tax sales. (*Crawford County Levee District vs. Cazort* (1935) 190 Ark. 257, 78 S. W. (2d) 378.)

A call authorizing the Legislature to provide for "the revision of salaries paid all public officials" was held to permit the Legislature to reduce the salaries of public officers and public employees. (*Carver vs. City of Charlestown* (1933) 13 W. Va. 518, 169 S. E. 521.)

Finally, a call "authorizing semi-annual and quarterly payment of all property taxes" was construed to permit the Legislature to enact a statute providing for the semi-annual payment of taxes, and in addition providing for a discount upon the taxes due if prompt payment was made. (*Bedford Corporation vs. Price* (1932) 112 W. Va. 674, 166 S. E. 380.)

We are therefore of the view that the phrase in Item 12 authorizing the Legislature to consider and act upon an act "stating the powers and duties of public officers in relation to tax sales, tax deeds, and redemptions" permits the Legislature to consider and act upon Assembly Bill No. 27 providing for the private and public

sales of tax-deeded property, and that the courts will uphold it under these terms of Item 12 of the proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel.  
By ARTHUR McHENRY, Deputy.

AMCH:LD

### Consideration of Senate Bill No. 8.

#### Resolution.

The following resolution was offered:

By Senator McGovern:

*Resolved*, That Senate Bill No. 8 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Swing, Tickle, Waggy, and Westover—33.

NOES—Senators Hays, Knowland, and Young—3.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 8.

### Third Reading of Senate Bill No. 8.

**Senate Bill No. 8**—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties.

#### Amendment from the Floor.

During third reading of Senate Bill No. 8, the following amendment, offered by Senator Young, was read and refused adoption:

#### Amendment.

On page 2 of the printed bill, after line 14, add the following:

"SEC. 7. The policy of this act is to reduce the excessive burden of county taxation for aid to the aged now borne by the taxpayers. For the purpose of accomplishing this reduction, the Legislature recommends to the boards of supervisors of the counties that the tax rates of the counties for the fiscal year during which aid is granted to the counties hereby be reduced to the full extent made possible by the grant of aid hereby."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 8 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Seawell, Swing, Tickle, Waggy, and Westover—33.

NOES—Senators Hays, Knowland, and Young—3.

Title read and approved.

Senate Bill No. 8 ordered transmitted to the Assembly.



**Third Reading of Assembly Bill No. 5.**

**Assembly Bill No. 5**—An act to add Chapter IXa, consisting of sections 3857 to 3859.20, inclusive, to Title IX of Part III of the Political Code, relating to property taxation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 5 passed by the following vote:

**AYES**—Senators Allen, Crittenden, Cunningham, DeLap, Denel, Garrison, Hays, Holohan, Jespersen, Keating, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, and Westover—30.

**NOES**—Biggar, Fletcher, McColl, and Young—4.

Assembly Bill No. 5 ordered transmitted to the Assembly.

**Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Oil Industries.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

**MR. PRESIDENT:** Your Committee on Oil Industries, to which was referred:

**Senate Bill No. 9**—An act relating to tide and submerged lands granted by the State to cities, counties, cities and counties and to other political subdivisions; consenting to suits against the State in connection therewith; providing for the extraction and removal of oil and gas therefrom; and repealing acts or parts of acts in conflict therewith;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

WAGY, Chairman.

**Second Reading of Senate Bill No. 9.**

**Senate Bill No. 9**—An act relating to tide and submerged lands granted by the State to cities, counties, cities and counties and to other political subdivisions; consenting to suits against the State in connection therewith; providing for the extraction and removal of oil and gas therefrom; and repealing acts or parts of acts in conflict therewith.

**Consideration of Committee Amendments.**

Pursuant to the report of the Committee on Oil and Oil Industries, the following amendments to Senate Bill No. 9 were read and adopted:

**Amendment No. 1.**

On page 3, line 47, of the printed bill, following the word "State", strike out the word "one-half", and insert in lieu thereof the word "two-thirds".

**Amendment No. 2.**

On page 3, line 50, of the printed bill, following the word "California", strike out the word "one-half", and insert in lieu thereof the word "two-thirds"; also in said line 50 following the word "or", strike out the word "one-half", and insert in lieu thereof the word "two-thirds".

**Amendment No. 3.**

On page 4, line 9, of the printed bill, following the word "remaining", strike out the word "one-half", and insert in lieu thereof the word "one-third".

**Amendment No. 4.**

On page 1, line 7, of the printed bill, following the word "body", insert the following: "without an express reservation of minerals and mineral rights to the State."

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

### Reports of Standing Committees—(Resumed).

The following reports of standing committees were received and read

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 24—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment;

Assembly Bill No. 30—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
TICKLE.  
MCCOLL.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 3—Relative to memorializing and petitioning the President of the United States and the Congress to enact legislation providing mediation and arbitration of labor disputes;

Assembly Joint Resolution No. 9—Relative to memorializing the Congress of the United States to extend assistance to the American Merchant Marine;

Assembly Joint Resolution No. 12—Relative to memorializing Congress concerning the tariff on tungsten and tungsten products;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
TICKLE.  
MCCOLL.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 16—Relative to housing conditions at the Veterans' Home of California;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be considered.

(Signed out)

RICH, Chairman.  
KNOWLAND.  
TICKLE.  
MCCOLL.

Upon motion of Senator Rich, the reports of the Committee on Rules were adopted.

Assembly Bill No. 24 read first time, and referred to Committee on Finance.

Assembly Bill No. 30 read first time, and referred to Committee on Finance.

Assembly Concurrent Resolution No. 16 read, and referred to Committee on Social Security.

Assembly Joint Resolution No. 3 read, and referred to Committee on Federal Relations.

Assembly Joint Resolution No. 9 read, and referred to Committee on Federal Relations.

Assembly Joint Resolution No. 12 read, and referred to Committee on Federal Relations.

#### On Finance.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 24—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—9.

RICH, Chairman.  
SWING.  
FLETCHER.  
HAYS.  
SCHOTTKY.  
KNOWLAND.

### Consideration of Assembly Bill No. 24.

#### Resolution.

The following resolution was offered:

By Senator Swing:

*Resolved*, That Assembly Bill No. 24 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Hays, Hollister, Holohan, Keating, Knowland, McBride, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Pierovich, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 24.

### Second Reading of Assembly Bill No. 24.

**Assembly Bill No. 24**—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 24 were read and adopted:

##### Amendment No. 1.

On page 1, line 18, of the printed bill, as amended, strike out "\$750,000", and insert in lieu thereof "\$400,000".

##### Amendment No. 2.

On page 1, line 29, of the printed bill, as amended, strike out "five million".

##### Amendment No. 3.

On page 2, line 1, of the printed bill, as amended, strike out "two hundred fifty", and insert in lieu thereof "four million nine hundred".

Bill read second time, ordered to print, and on file for third reading.

### Message from the Governor.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

Proclamation by the Governor Amending the Proclamation Convening the Legislature in Extraordinary Session.

WHEREAS, The Legislature of the State of California convened on March 7, 1938, in extraordinary session, pursuant to a proclamation of the Governor dated March 5, 1938, and is now in session; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, FRANK F. MERRIAM, by virtue of the power vested in me by law, do issue this my proclamation amending the aforesaid proclamation convening the Legislature of the State of California, by adding the following purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, to wit:

40. To consider and act upon an act declaring associations mentioned in section 94 of the Agricultural Code instrumentalities of the State for the purposes therein mentioned, and providing for the escheat to the State of the property of such associations upon the dissolution thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twelfth day of March in the year of our Lord 1938.

FRANK F. MERRIAM, Governor of California.

ATTEST:

FRANK C. JORDAN,

Secretary of State.

By CHAS. J. HAGERTY,

Deputy Secretary of State.

[SEAL]

### Third Reading of Assembly Bill No. 7.

**Assembly Bill No. 7**—An act to amend sections 86, 87 and 89 of, and to add section 88.5 to, the Agricultural Code, relating to agricultural districts and including provision for leasing, letting and granting licenses for the use of property of such districts, providing that the Director of Finance may make available certain State property for the use of such districts, declaring the urgency of this act, and providing that it shall take effect immediately.

#### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 7 were read and adopted:

##### Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "section 88.5", and insert in lieu thereof the following: "sections 88.5 and 94.5".

##### Amendment No. 2.

On page 1, line 3 of the title of the printed bill, as amended, after "districts", insert a comma and the following: "fairs,".

##### Amendment No. 3.

On page 2 of the printed bill, as amended, between lines 39 and 40, insert the following:

"SEC. 5. Section 94.5 is hereby added to the Agricultural Code, to read as follows:

94.5. Associations mentioned in section 94 of this code shall be deemed instrumentalities of the State for the purposes therein mentioned and upon dissolution of any such association all property thereof, after payment of outstanding debts, shall escheat to the State."

##### Amendment No. 4.

On page 2, line 40, of the printed bill, as amended, strike out "4", and insert in lieu thereof the following: "6".

Bill read, ordered to print, and on file for third reading.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Concurrent Resolution No. 8—Requesting the Department of Public Works and the Department of Finance to report to the fifty-third session of the Legislature regarding the amount of property damaged or destroyed during recent storms and floods and the causes thereof;

And reports that the same has been correctly engrossed.

METZGER, Chairman.



## Consideration of Assembly Joint Resolution No. 4.

### Assembly Joint Resolution No. 4.

Relative to relief of hardship and destitution caused by floods.

WHEREAS, Over immense and densely populated sections of the State of California, there have come, in the last few weeks, disastrous floods, unprecedented in the last three-quarters of a century, which have destroyed life and property; and

WHEREAS, The morale of a great number of our citizens has been shaken because of the overwhelming toll the floods have taken; and

WHEREAS, Vital public projects and property such as sewage disposal, flood control, and local streets and bridges, have been damaged in great degree; and

WHEREAS, There now appears in many parts of the State to be an immediate and alarming danger of contamination and disease by reason of the pollution of water supply, the covering of homes and highways with filth and refuse from broken and overflowing sewers, all running rampant in the wake of the flood; and

WHEREAS, There is a dire and urgent need for assistance to our stricken people in California so that widespread impending disease may be obviated, and our public health projects restored; and

WHEREAS, The best estimates reveal that over \$50,000,000 damage has been wrought by the aforesaid floods; and

WHEREAS, The State, counties, and cities of California already are bending every effort in giving every assistance to alleviate the ruin in this hour; and

WHEREAS, The Federal Government has, on the occasion of local emergency in the past, come to the aid of its suffering and stricken people; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the President of the United States and the Congress of the United States be, and they are hereby, memorialized to grant immediate aid, in such amount as is possible, to the people of California in this period of great emergency.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and Assembly Joint Resolution No. 4 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, DeLap, Denel, Fletcher, Garrison, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wag, Westover, and Young—31.

NOES—None.

Assembly Joint Resolution No. 4 ordered transmitted to the Assembly.

### Communication.

The following telegram was received, read, and ordered printed in the Journal:

From Wallace A. Ware, President of the California Railroad Commission.

SAN FRANCISCO, CALIFORNIA, March 11, 1938.

Senator William P. Rich,

Chairman, Rules Committee, Senate, Capitol Building.

I have been advised that a resolution was introduced before the Senate late yesterday, referred to the Committee on Rules, and ordered printed in the Journal, memorializing the Railroad Commission to reconsider its order fixing rates on grain products. I am further advised that the Senators who introduced this resolution urged as justification for the same a statement which said Senators alleged I made before the Senate sitting as a Committee of the Whole while considering further possible legislation affecting the Highway Carriers Act and my alleged statement is as follows: "The Railroad Commission would not follow such a destructive course as to increase one rate on agriculture." I regret the necessity of advising the Senate that the gentlemen who have endeavored to quote me are mistaken in their recollection of my remarks. I am sure that their mistake is due to an innocent failure to accurately recall what was actually said by me on this occasion. What I said was substantially this: "So far the commission has moved slowly and cautiously in its effort to regulate rates on agricultural products and to date the commission has not raised a single rate affecting agricultural products and live stock with the exception of rates on pears out of Lake county. The record of this commission presents an unbroken achievement of regulation that has afforded agriculture the ultimate in protection and helpfulness. The Senate has my assurance that the commission will never depart from this important conception of its duty toward

agriculture and that we will never fix a single rate affecting agricultural products and live stock which will be inimical to the interests of California's farmers, and in behalf of this commission, I urge the adoption, by this Senate, of a declaration of policy to read as follows: It is hereby declared to be the policy of the State of California, in rate making to be pursued by the Railroad Commission of the State of California, to establish such rates as will promote the freedom at the lowest lawful rates compatible with the maintenance of adequate transportation service." May I further respectfully remind you that this declaration of policy which expressed the true meaning of my message to the Senate on this occasion was adopted by the Legislature and enacted into the law.

Sincerely,

WALLACE L. WARE,  
President,  
California Railroad Commission.

Remarks.

The following remarks, offered by Senator Phillips, were ordered printed in the Journal:

In view of the telegram just read, we feel compelled to submit the following memorandum, made on Monday, May 3, 1937, and immediately written down, typed for, and signed by three members of the Senate who were pleased by the definiteness of the statement. This statement, in the opinion of many members of the Senate, influenced action upon the bill then before that house.

Statement of Mr. Wallace Ware, President of the California Railroad Commission, before the Senate of California, sitting as a Committee of the Whole, Monday, May 3, 1937, in reply to a question from Senator Jespersen, during which the suggestion was made that the Railroad Commission might raise truck rates, thus adding to the cost of agriculture in California:

Statement by Mr. Ware: "The Railroad Commission of California is not going to follow such a destructive course. We are not going to increase one rate to agriculture."

PHILLIPS.  
JESPERSEN.  
GORDON.

Assistant Secretary Maitland S. Pennington at the Desk.

### Consideration of Senate Resolution.

The following resolution was offered:

By Senators Jespersen, Gordon and Phillips:

WHEREAS, The Railroad Commission of the State of California on February 14, 1938, decided a case establishing minimum truck rates for the transportation of grain; and

WHEREAS, In the year 1933, the rail carriers established reduced rail rates on said commodities to meet truck competition, which reduced rates are due to expire May 31, 1938, and although the railroads desire to continue them in effect, the Commission has denied permission to continue them; and

WHEREAS, Said decision states that the general practice is to assess rail carload rates on truckload shipments of grain moving between points in the same general vicinity of the rail depots; and

WHEREAS, The minimum truck rates established by said decision for certain typical hauls appear to be at least 25 per cent higher on the average than the rail rates which are now said to be used by the trucks; and

WHEREAS, The hazards of agriculture are always uncertain and in many cases below the cost of production; and

WHEREAS, On Monday, May 3, 1937, the Honorable Wallace Ware, President of the Railroad Commission of the State of California, appeared on behalf of the commission before the Senate of California, sitting as a Committee of the Whole to consider repeal of the Highway Carriers Act, and made the statement that the Railroad Commission would not follow such a destructive course as to increase one rate on agriculture; now, therefore, be it

*Resolved, By the Senate of the State of California, now in session, that we urge the Railroad Commission of the State of California to reconsider said decision involving minimum rates on grain, grain products and related commodities, in view of President Ware's pledge to the Senate on behalf of the commission; and be it further*

*Resolved, That a copy of this resolution be sent to each member of the Railroad Commission of the State of California.*

Resolution read, and on motion of Senator Jespersen, adopted.

**Consideration of Senate Resolution.**

The following resolution was offered:

By Senator Tickle:

*Resolved by the Senate of the State of California, That Rules 7 and 8 of the Standing Rules of the Senate be amended to read as follows:*

7. All standing committees of the Senate shall be named by a Committee on Committees, as hereinafter provided, unless otherwise ordered, and the first named of the members of each standing committee shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

Immediately after the convening of the January session, five Senators shall be chosen as a Committee on Committees. The members of the Senate shall be divided into five groups, consisting of the Senators from the Senatorial Districts numbered 1 to 8, 9 to 16, 17 to 24, 25 to 32, and 33 to 40, respectively. Each group shall choose one of its number as a member of the Committee on Committees.

These five members, together with the President and President pro tempore of the Senate shall constitute the Committee on Committees.

The President of the Senate shall be chairman of the committee.

8. Immediately after the convening of the January session, the following standing committee shall be appointed by the Committee on Committees:

Senator Tickle asked for, and was granted, unanimous consent for the consideration of the foregoing Senate resolution, without re-reference to committee, for purpose of adoption.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, DeLap, Denel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Powers, Rich, Schottky, Seawell, Tickle, Wagy, Westover, and Young—30.

NOES—Senators Allen, Cunningham, Keating, Law, Pierovich, and Quinn—6.

Secretary Joseph A. Beek at the Desk.

**Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 12—Relative to granting a full and complete pardon to Thomas J. Mooney;

Has had same under consideration, and respectfully reports same back, and recommends that the Senate consider the said resolution. It appears from the resolution that it is the intent thereof that a full pardon be granted Thomas J. Mooney. A similar resolution was considered by the Senate at the regular session held during the year 1937 and at that time the Legislative Council rendered an opinion that the Legislature has no power to grant such pardon, and the Attorney General of the State rendered a similar opinion, therefore we recommend that the Senate refuse to adopt the resolution.

(Signed out)

RICH, Chairman.  
SLATER.  
KNOWLAND.  
McCOLL.  
TICKLE.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted.

**Consideration of Assembly Concurrent Resolution No. 12.**

Assembly Concurrent Resolution No. 12—Relative to granting a full and complete pardon to Thomas J. Mooney.

**Motion to Table.**

Senator Rich moved that Assembly Concurrent Resolution No. 12 be laid on the table.

Motion carried.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read

#### On Finance.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 30—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

SWING, Chairman.  
KNOWLAND.  
FLETCHER.  
SCHOTTKY.  
WAGY.

### Consideration of Assembly Bill No. 30.

#### Resolution.

The following resolution was offered:

By Senator McGovern:

*Resolved*, That Assembly Bill No. 30 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McColl, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Pierovich, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, Westover, and Young.—33.

NOES—None.

### Second Reading of Assembly Bill No. 30.

**Assembly Bill No. 30**—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties.

Bill read second time, and ordered on file for third reading.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred:

Assembly Joint Resolution No. 12—Relative to memorializing Congress concerning the tariff on tungsten and tungsten products.

Has had the same under consideration, and respectfully reports the same back, without recommendation.

(Signed out)

PHILLIPS, Chairman.  
HOLOHAN.  
CUNNINGHAM.

### Consideration of Assembly Joint Resolution No. 12.

#### Assembly Joint Resolution No. 12.

Relative to memorializing Congress concerning the tariff on tungsten and tungsten products.

WHEREAS, Negotiations have been undertaken by the Department of State of the United States Government for the purpose of making a reciprocal trade treaty with Great Britain, her dominions and colonies; and



WHEREAS, The proposed reciprocal trade treaty with Great Britain, her dominions and colonies, intends to reduce the tariff upon tungsten and tungsten products; and

WHEREAS, The mining industry of California is in an orderly manner developing tungsten properties in this State; and

WHEREAS, The development of these properties will place the United States in a better position to furnish tungsten and tungsten products so vitally necessary for National defense; and

WHEREAS, The development of these properties and other mining properties in connection therewith will employ citizens of this State now being supported by public relief at the expense of the taxpayers; and

WHEREAS, Industrial plants for the processing, smelting, and refining of tungsten ores are hesitant to continue their rapid production and expansion, due to the proposed reciprocal trade treaty; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Congress of the United States is hereby requested to permit no reduction in the existing tariff rates on tungsten and tungsten products in this proposed reciprocal trade treaty with Great Britain, her dominions and colonies; and be it further

*Resolved,* That the Secretary of State of the State of California is hereby requested to transmit copies of this resolution to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 12 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Dencl, Fletcher, Gordon, Hollister, Holohan, Jaspersen, Keating, Knowland, Law, McBride, McColl, Metzger, Mixter, Nielsen, Parkman, Phillips, Picrovich, Powers, Quinn, Rich, Seawell, Swing, Tickle, Wagy, Westover, and Young—31.

NOES—None.

Assembly Joint Resolution No. 12 ordered transmitted to the Assembly:

### Consideration of Senate Joint Resolution No. 5.

#### Senate Joint Resolution No. 5.

Relative to memorializing the President and the Congress of the United States to enact H. R. 9256, relative to reimbursement by the Federal Government to States and counties for expenditures in behalf of nonresidents.

WHEREAS, The problem of relief for indigent nonresidents of the State of California has reached alarming proportions; and

WHEREAS, There has been introduced in the Congress H. R. 9256, by Congressman Voorhis providing for aid by the Federal Government to States which can and will meet the requirements of said act; and

WHEREAS, Said bill provides for the return of unemployable indigent transients to the State of their legal settlement at Federal expense, and gives the Social Security Board power to determine the State of legal settlement; and

WHEREAS, Said bill provides for Federal reimbursement to States and counties of moneys spent for relief and medical care of nonresidents; and

WHEREAS, The provisions of said bill require that eligibility for relief thereunder is contingent upon registration for work with the United States Employment Service or an affiliated State employment service; and

WHEREAS, While no State is required to come under the terms of the bill, the provisions thereof are peculiarly applicable to the State of California because of the fact that this State, by reason of its higher relief standards, has encouraged the migration of indigents into this State; and

WHEREAS, The enactment of this bill would be of peculiar benefit to the State of California; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the President and the Congress of the United States are hereby memorialized and requested to enact said H. R. 9256; and be it further

*Resolved,* That the Governor transmit copies of this resolution to the President of the United States, the Vice President, the Speaker of the House of Representatives, and to the members of the delegation from California in the Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 5 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Phillips, Powers, Quinn, Rich, Seawell, Swing, Tickle, Wagy, Westover, and Young—32.

NOES—None.

Senate Joint Resolution No. 5 ordered transmitted to the Assembly.

### Consideration of Senate Concurrent Resolution No. 8.

Senator Swing asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 8, without reference to committee, for purpose of adoption.

#### Senate Concurrent Resolution No. 8.

Requesting the Department of Public Works and the Department of Finance to report to the fifty-third session of the Legislature regarding the amount of property damaged or destroyed during recent storms and floods and the causes thereof.

WHEREAS, Public and private property in many parts of the State was damaged or destroyed during recent storms and floods; and

WHEREAS, Many people whose homes or farms were destroyed are destitute and will be compelled to resort to public and private charity in order to live; and

WHEREAS, It appears that much of the damage may be attributable in part to the neglect or failure of various public agencies to make adequate provisions for the protection and safety of persons and property against hazards created by storms or floods in connection with the operation and maintenance by such public agencies of water conservation, storage, or drainage works involving the diversion of waters from their natural channels; and

WHEREAS, It is necessary that the Legislature of the State of California be fully and accurately informed as to these matters in order that it may make such changes in and additions to the laws of this State as the facts may indicate are necessary or desirable; and

WHEREAS, The Department of Public Works and the Department of Finance are the agencies of the State which are best qualified to obtain the desired information and to transmit it to the Legislature; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislature hereby requests the Department of Public Works and the Department of Finance to ascertain the facts in the premises and to report to the fifty-third session of the Legislature their findings as to the approximate amount of damage to and destruction of public and private property in this State during the said storms and floods, their findings as to the causes thereof, and particularly their findings as to the extent that the acts or omissions of public agencies were contributory factors in causing such damage and destruction.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 8 adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McGovern, Metzger, Mixer, Nielsen, Phillips, Powers, Rich, Seawell, Swing, Tickle, Wagy, and Young—28.

NOES—None.

Senate Concurrent Resolution No. 8 ordered transmitted to the Assembly.

### Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and twenty-four minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

### Recess.

At eleven o'clock and twenty-five minutes a.m., on motion of Senator Rich, the President of the Senate declared recess until eleven o'clock and thirty minutes a.m.

**Reconvened.**

At eleven o'clock and thirty minutes a.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Call of the Senate.**

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Allen, Biggar, Cunningham, DeJap, Ducl, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Knowland, McCormack, Mixter, Parkman, Rich, Slater, Tickle, Waggy, and Westover—20.

The Secretary announced the absentees.

Time, eleven o'clock and thirty-one minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.****Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 20—An act relating to lands owned by the State; reserving all minerals and all oil and gas in State lands; providing for prospecting for and taking such minerals and for the extraction and removal of oil and gas therefrom; providing for the acquisition by purchase or condemnation of interests in privately owned lands to facilitate the operations provided for or contemplated by this act; creating a State Lands Commission, prescribing its powers and duties, and transferring to and vesting in the State Lands Commission the administration of and jurisdiction over State lands; repealing acts or parts of acts in conflict herewith; and making an appropriation;

Assembly Bill No. 32—An act relating to tide and submerged lands granted by the State to cities, counties, cities and counties and to other political subdivisions; consenting to suits against the State in connection therewith; providing for the extraction and removal of oil and gas therefrom; and repealing acts or parts of acts in conflict therewith.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 20 referred to Committee on Rules.

Assembly Bill No. 32 referred to Committee on Rules.

**Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 20—An act relating to lands owned by the State; reserving all minerals and all oil and gas in State lands; providing for prospecting for and taking such minerals and for the extraction and removal of oil and gas therefrom; providing for the acquisition by purchase or condemnation of interests in privately owned lands to facilitate the operations provided for or contemplated by this act; creating a State Lands Commission, prescribing its powers and duties, and transferring to and vesting in the State Lands Commission the administration of and jurisdiction over State lands; repealing acts or parts of acts in conflict herewith; and making an appropriation;

Assembly Bill No. 32—An act relating to tide and submerged lands granted by the State to cities, counties, cities and counties and to other political subdivisions; consenting to suits against the State in connection therewith; providing for the extraction and removal of oil and gas therefrom; and repealing acts or parts of acts in conflict therewith;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

RICH, Chairman.  
SLATER.  
TICKLE.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted.

Assembly Bill No. 20 read first time and referred to Committee on Oil Industries.

Assembly Bill No. 32 read first time, and referred to Committee on Oil Industries.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 33**—An act making an appropriation for the expenses of the Assembly for the extra session of the fifty-second Legislature, to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 33 passed by the following vote:

AYES—Senators Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, and Young—27.

NOES—None.

Assembly Bill No. 33 ordered transmitted to the Assembly.

**Assembly Bill No. 7**—An act to amend sections 86, 87 and 89 of, and to add section 88.5 to, the Agricultural Code, relating to agricultural districts and including provision for leasing, letting and granting licenses for the use of property of such districts, providing that the Director of Finance may make available certain State property for the use of such districts, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 7 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wag, and Young—31.

NOES—Senators Garrison, and McColl—2.

Assembly Bill No. 7 ordered transmitted to the Assembly.

**Assembly Bill No. 6**—An act to amend section 3 of an act entitled, "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making



an appropriation therefor," approved May 25, 1937, relating to the Golden Gate International Exposition.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 6 refused passage by the following vote:

**AYES**—Senators Crittenden, Fletcher, Holohan, Keating, McCormack, McGovern, Mixter, Olson, Parkman, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Westover, and Young—18.

**NOES**—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Garrison, Gordon, Hays, Hollister, Jespersen, Knowland, Law, McBride, McColl, Metzger, Nielsen, Powers, Quinn, and Waggy—19.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Oil Industries.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Assembly Bill No. 20—An act relating to lands owned by the State; reserving all minerals and all oil and gas in State lands; providing for prospecting for and taking such minerals and for the extraction and removal of oil and gas therefrom; providing for the acquisition by purchase or condemnation of interests in privately owned lands to facilitate the operations provided for or contemplated by this act; creating a State Lands Commission, prescribing its powers and duties, and transferring to and vesting in the State Lands Commission the administration of and jurisdiction over State lands; repealing acts or parts of acts in conflict herewith; and making an appropriation;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; noes—2.

WAGY, Chairman.

### Consideration of Assembly Bill No. 20.

**Assembly Bill No. 20**—An act relating to lands owned by the State; reserving all minerals and all oil and gas in State lands; providing for prospecting for and taking such minerals and for the extraction and removal of oil and gas therefrom; providing for the acquisition by purchase or condemnation of interests in privately owned lands to facilitate the operations provided for or contemplated by this act; creating a State Lands Commission, prescribing its powers and duties, and transferring to and vesting in the State Lands Commission the administration of and jurisdiction over State lands; repealing acts or parts of acts in conflict herewith; and making an appropriation.

Pursuant to the report of the Committee on Oil Industries, the following amendment to Assembly Bill No. 20 was read:

#### Amendment.

On page 16 of the printed bill, as amended, strike out all of lines 50 to 52, inclusive, and on page 17, strike out all of lines 1 to 12, inclusive.

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Garrison and Westover on the adoption of the amendment to Assembly Bill No. 20.

The roll was called, and the amendment to Assembly Bill No. 20 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Fletcher, Gordon, Hays, Law, McBride, McColl, McCormack, Metzger, Mixter, Parkman, Rich, Schottky, Seawell, Swing, Tickle, Waggy, and Young—21.

**NOES**—Senators Cunningham, Garrison, Hollister, Holohan, Jespersen, Keating, Knowland, McGovern, Olson, Pierovich, Powers, Quinn, Slater, and Westover—14.

**Further Amendments to Assembly Bill No. 20.****Amendment from the Floor.**

Pursuant to the reading of the committee report on Assembly Bill No. 20, the following amendment, offered by Senator Metzger, was read:

**Amendment.**

On page 2, lines 14 and 15, of the printed bill, strike out "State Controller", and insert in lieu thereof the following: "Director of Natural Resources".

**Motion to Table.**

Senator Hays moved that the amendment to Assembly Bill No. 20 be laid on the table.

Motion carried.

**Further Amendments from the Floor.**

Pursuant to the reading of the committee report on Assembly Bill No. 20, the following amendments, offered by Senator Olson, were read:

**Amendment No. 1.**

On page 7 of the printed bill, as amended, strike out all of lines 6 to 17, both inclusive, and renumber the remaining sections of the bill accordingly.

**Amendment No. 2.**

On page 7, line 41, of the printed bill, as amended, after the word "lands", strike out the period, and insert in lieu thereof a comma and the following: "but any such agreement shall provide for payment to the State of not less than twenty-five per cent of the value of the gross production of oil and gas from such wells."

**Amendment No. 3.**

On page 8, between lines 10 and 11, of the printed bill, as amended, insert the following:

"Each lease of tide and submerged lands shall provide for payment to the State of a royalty of not less than thirty per cent, and each lease of lands other than tide and submerged lands shall provide for payment to the State of a royalty of not less than twenty per cent, of the amount or value of the production of oil and gas from any wells drilled thereunder. No bid for such a lease shall be accepted and no lease shall be made which does not provide for a royalty at least equal to the minimum amounts specified in this section.

Any such lease shall provide that the commission may, in its sound discretion, reduce the royalty thereunder as to the oil produced from any well when the average daily production of oil therefrom during a period of thirty consecutive producing days is less than two hundred barrels."

**Amendment No. 4.**

On page 10 of the printed bill, as amended, following line 8, add the following: "SEC. 60. If the commission fails to receive a bid for an oil or gas lease for any of the lands of the character described in this act, or if the commission rejects the bids for any such lands or parcel or parcels of such lands as herein provided, the commission may proceed in the name of the State and without further notice or advertising to develop and extract the oil and gas from such lands. The work of drilling and construction in connection therewith, if done by the State, may be performed either by contract or award to the lowest responsible bidder, or by day labor. If done by contract, the commission may reject any and all bids and call for new bids. The commission may purchase any and all materials, supplies, and equipment deemed necessary for the prosecution of such work and for the extraction, recovery and disposition of oil and gas from such lands.

All oil and gas so produced from State lands by the commission shall be sold by the commission at the best prices obtainable and at such times as are deemed proper for securing maximum returns to the State therefor. In carrying out the provisions of this section, the commission is expressly authorized to do all things necessary or desirable, in the best interests of the State, in such operations, consistent with accepted and efficient practices in private industry and consistent with the provisions of this act."

**Amendment No. 5.**

On page 11 of the printed bill, as amended, strike out all of lines 27 to 34, both inclusive; and, in line 35, strike out the letter "b", and the parenthesis.

**Amendment No. 6.**

On page 12 of the printed bill, as amended, strike out all of lines 1 to 10, both inclusive, and renumber the remaining sections of the bill accordingly.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison and Westover, on the adoption of Amendment No. 1.

The roll was called, and Amendment No. 1 refused adoption by the following vote:

**AYES**—Senators Garrison, Gordon, Hollister, McGovern, Olson, Powers, and Westover—7.

**NOES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Holohan, Keating, Knowland, McBride, McColl, McCormack, Mixer, Nielsen, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—26.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison, and Jespersen, on the adoption of Amendment No. 2.

The roll was called, and Amendment No. 2 refused adoption by the following vote:

**AYES**—Senators Cunningham, Garrison, Hollister, Jespersen, McGovern, Olson, and Westover—7.

**NOES**—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Keating, Knowland, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—28.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison and Hollister, on the adoption of amendment No. 3.

The roll was called, and Amendment No. 3 refused adoption by the following vote:

**AYES**—Senators Cunningham, Garrison, Hollister, Jespersen, McGovern, Olson, and Westover—7.

**NOES**—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Fletcher, Gordon, Hays, Holohan, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—28.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison and Hollister, on the adoption of Amendment No. 4.

The roll was called, and Amendment No. 4 refused adoption by the following vote:

**AYES**—Senators Cunningham, Deuel, Fletcher, Garrison, Hollister, Jespersen, McGovern, Olson, Pierovich, Quinn, Seawell, Slater, and Westover—13.

**NOES**—Senators Allen, Biggar, Crittenden, DeLap, Gordon, Hays, Holohan, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Powers, Rich, Schottky, Swing, Wagy, and Young—21.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison and Westover, on the adoption of Amendment No. 5.

The roll was called, and Amendment No. 5 refused adoption by the following vote:

**AYES**—Senators Cunningham, Garrison, Hollister, Jespersen, Keating, Olson, and Westover—7.

**NOES**—Senators Allen, Biggar, Crittenden, Deuel, Fletcher, Gordon, Hays, Holohan, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Pierovich, Powers, Quinn, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—25.

**Ayes and Noes Demanded.**

A roll call was demanded by Senators Olson, Garrison and Westover, on the adoption of Amendment No. 6.

The roll was called, and Amendment No. 6 refused adoption by the following vote:

AYES—Senators Cunningham, Fletcher, Garrison, Hollister, Jespersen, McGovern, Olson, Slater, and Westover—9.

NOES—Senators Allen, Biggar, Crittenden, DeLap, Deuel, Gordon, Hays, Holohan, Keating, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Swing, Tickle, Wagy, and Young—26.

#### Further Amendments from the Floor.

Pursuant to the reading of the committee report on Assembly Bill No. 20, the following amendments, offered by Senator Knowland, were read and adopted:

#### Amendment No. 1.

On page 7, line 14, of the printed bill, as amended, before the semicolon, insert the following: "in those cases in which oil or gas is known to exist in such lands or in the vicinity thereof".

#### Amendment No. 2.

On page 13, after line 25, of the printed bill, as amended, insert the following: "Sec. 94. Nothing in this act shall be construed to limit the effect of any grant of tide or submerged lands heretofore made to any city, county or other political subdivision, nor in any manner to prejudice whatever claim the State, on the one hand, or such city, county or political subdivision, on the other, may have in or to the right to extract or authorize the extraction of oil or gas or other minerals underlying such lands."

#### Resolution.

The following resolution was offered:

By Senator Hays:

*Resolved*, That Assembly Bill No. 20 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—32.

NOES—Senators Garrison, Jespersen, Olson, Parkman, and Westover—5.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 20.

#### Second Reading of Assembly Bill No. 20.

**Assembly Bill No. 20**—An act relating to lands owned by the State; reserving all minerals and all oil and gas in State lands; providing for prospecting for and taking such minerals and for the extraction and removal of oil and gas therefrom; providing for the acquisition by purchase or condemnation of interests in privately owned lands to facilitate the operations provided for or contemplated by this act; creating a State Lands Commission, prescribing its powers and duties, and transferring to and vesting in the State Lands Commission the administration of and jurisdiction over State lands; repealing acts or parts of acts in conflict herewith; and making an appropriation.

Bill read second time, ordered to print, and on file for third reading.



**Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 4—An act to add section 508 to the Streets and Highways Code, relating to State highways;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

**Consideration of Assembly Amendment to Senate Bill No. 4.**

The Senate took up for consideration Assembly amendment to Senate Bill No. 4.

**Amendment.**

On page 1, line 4, of the printed bill, after "Geysers", insert a semicolon and the following: "provided, that no State funds shall be expended for the acquisition of rights of way for, or for the construction or maintenance of, Route 208 until the Geysers is owned and operated by the State of California, or any of its political subdivisions or public nonprofit foundations."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 4?

The roll was called, and Assembly amendment to Senate Bill No. 4 refused concurrence by the following vote:

NOES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Parkman, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

AYES—Senator Jespersen—1.

**Consideration of Assembly Bill No. 8.**

**Assembly Bill No. 8**—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs.

**Amendments from the Floor.**

During third reading of Assembly Bill No. 8, the following amendments, offered by Senator Crittenden, were read and adopted:

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out line 26, and insert in lieu thereof the following: "of section 4041.18 of the Political Code."

**Amendment No. 2.**

On page 2 of the printed bill, as amended, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following: "The county auditor or secretary".

Bill read, ordered to print, and on file for third reading.

**Withdrawal from Committee of Assembly Bill No. 32.**

Senator Olson moved that Assembly Bill No. 32 be withdrawn from Committee on Oil Industries for purpose of first reading.

The question being on the motion to withdraw from committee.

The roll was called and the motion to withdraw from committee lost by the following vote:

AYES—Senators Crittenden, Fletcher, Garrison, Hollister, Olson, and Westover—6.

NOES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Gordon, Hays, Holohan, Keating, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, and Young—27.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 23**—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 23 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—33.

NOES—None.

Assembly Bill No. 23 ordered transmitted to the Assembly.

**Assembly Bill No. 24**—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 24 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Pierovich, Powers, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

NOES—None.

Assembly Bill No. 24 ordered transmitted to the Assembly.

### Communication.

The following communication was received, and, on motion of Senator Quinn, ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
SACRAMENTO, CALIFORNIA, March 12, 1938.

*Honorable Irwin T. Quinn,  
Senate Chamber,  
State Capitol,  
Sacramento, California.*

SUBJECT: Availability of Moneys Appropriated by Assembly Bill No. 25 for Flood Control Works on the Eel River.

REQUEST: No. 9657.

DEAR SENATOR QUINN: This will acknowledge the receipt of your letter of March 12, 1938, in which you ask if the Director of Finance can, from the money appropriated by Assembly Bill No. 25 of the special session of 1938, allocate funds for flood control works on the Eel River in Humboldt County.

From an examination of the statutes it appears that the Department of Public Works has sufficiently broad powers to enable it to undertake extensive flood control works on public waterways (Pol. Code sec. 363 (c), Statutes of 1907, page 215, Deering Act No. 7972).

It is our opinion, therefore, that the expenditure of State funds for flood control works on the Eel River would be an expenditure for a proper public purpose and one to which the Director of Finance could properly allocate money appropriated to the emergency fund by Assembly Bill No. 25 in this special session.

Our conclusion in this respect is fortified by the following legislative precedents in which money was appropriated to protect the banks of the Eel River from erosion and for the construction of riprap work and jettys on its banks:

Statutes of 1903, page 62;

Statutes of 1905, page 799;

Statutes of 1907, pages 6 and 137; and

Statutes of 1909, page 840.

Very truly yours,

FRED B. WOOD, Legislative Counsel.

By GEORGE W. WAKEFIELD, Assistant Counsel.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 25**—An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled "An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes therein specified, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 25 passed by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Powers, Quinn, Schottky, Slater, Swing, Tickle, Wagy, and Westover—31.

**NOES**—None.

Assembly Bill No. 25 ordered transmitted to the Assembly.

**Assembly Bill No. 30**—An act appropriating to the counties of the the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provision of the Old Age Security Law, and providing for the payment thereof to the counties.

### Re-reference of Assembly Bill No. 30.

Senator Swing moved that Assembly Bill No. 30 be referred to Committee on Finance.

Motion carried, and such was the order.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 17—Relative to unexpended balances in certain appropriations hitherto made from the contingent funds of the Senate and Assembly.

Assembly Concurrent Resolution No. 18—Relative to the validation and affirmation of the powers of interim committees heretofore and hereafter established by the fifty-second Legislature.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 17 referred to Committee on Rules.

Assembly Concurrent Resolution No. 18 referred to Committee on Rules.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 17—Relative to unexpended balances in certain appropriations hitherto made from the contingent funds of the Senate and Assembly;

Assembly Concurrent Resolution No. 18—Relative to the validation and affirmation of the powers of interim committees heretofore and hereafter established by the fifty-second Legislature;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

(Signed out)

RICH, Chairman.  
TICKLE.  
MCCOLL.  
KNOWLAND.  
SLATER.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted.

Assembly Concurrent Resolution No. 17 read, and re-referred to Committee on Rules.

### Consideration of Assembly Concurrent Resolution No. 18.

Senator Swing asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 18, without further reference to committee, for purpose of adoption.

#### Assembly Concurrent Resolution No. 18.

Relative to the validation and affirmation of the powers of interim committees heretofore and hereafter established by the fifty-second Legislature.

WHEREAS, Several interim committees have been established by single house and concurrent resolutions; and

WHEREAS, It is desired to supplement and affirm such single house and concurrent resolutions; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, That all Assembly and Senate single house and concurrent resolutions heretofore passed at the regular session of the fifty-second Legislature and heretofore and hereafter passed at the first extra session of the fifty-second Legislature, are hereby validated, affirmed and authorized, and the committees established and to be established thereunder are hereby authorized to exercise all the powers and perform all the duties vested in them and imposed upon them by the particular resolution under which the committee or committees are established.*

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 18 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, McBride, McColl.



McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Powers, Quinn, Schottky, Sewell, Swing, Wagy, Westover, and Young—32.  
NOES—Senator Tickle—1.

Assembly Concurrent Resolution No. 18 ordered transmitted to the Assembly.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 34—An act to add a new section numbered 11½ to an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products and the use of brands and trademarks in connection therewith; providing for the licensing of persons, firms, associations or corporations, installing and using motor vehicle fuel pumps; regulating signs, placards, posters, streamers, cards and other advertising media advertising gasoline or other motor vehicle fuel or the price thereof; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 34 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 31—An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers; and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 31 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 11—Relative to memorializing the President and the Congress to enact the bill now pending before the Congress relating to the control of venereal diseases;

Assembly Joint Resolution No. 13—Relating to memorializing the President and Congress of the United States to make available Federal funds for the reconstruction, repair and replacement of roads and highways damaged and destroyed by floods;

Assembly Joint Resolution No. 15—Relative to aliens in America;

Assembly Joint Resolution No. 14—Relative to requesting the State of Utah to cooperate in preventing the marriage of white women and Filipinos.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Joint Resolution No. 11 referred to Committee on Rules.

Assembly Joint Resolution No. 13 referred to Committee on Rules.

Assembly Joint Resolution No. 15 referred to Committee on Rules.

Assembly Joint Resolution No. 14 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 8—Requesting the Department of Public Works and the Department of Finance to report to the fifty-third session of the Legislature regarding the amount of property damaged or destroyed during recent storms and floods and the causes thereof.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolution No. 8 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to

Assembly Bill No. 33.  
Assembly Bill No. 7.

Assembly Bill No. 4.  
Assembly Bill No. 11.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 3—An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78, 83, 85a and 86 of, and to add sections 3a, 75a, and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System and to retirement of employees of the University of California.

Senate Bill No. 8—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties.

JAMES G. SMYTH, Chief Clerk of the Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 3 ordered to enrollment.

Senate Bill No. 8 ordered to enrollment.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 10—An act to amend sections 8, 9, 10, 12, 33, 33a, 39, 42, 49, 78, 83, 85a and 86 of, and to add sections 3a, 75a, and 83b to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employment Retirement System and to retirement of employees of the University of California and making an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—7; committee vote: Ayes—7.

SEAWELL, Chairman.

### Motion to Adjourn

Senator Olson moved that the Senate do now adjourn, pursuant to the provisions of Assembly Concurrent Resolution No. 14.

#### Point of Order.

The Chair ruled Senator Olson's motion out of order for the reason that the hour of adjournment had not yet arrived.

### Withdrawal of Assembly Bill No. 30.

Senator Swing moved that Assembly Bill No. 30 be withdrawn from committee on Finance.

The question being on the adoption of the motion to withdraw Assembly Bill No. 30 from committee.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, DeLap, Fletcher, Hollister, Law, McColl, McGovern, Nielsen, Olson, Parkman, Pierovich, Quinn, Seawell, Swing, and Tickle—17.

**NOES**—Senators Cunningham, Deuel, Garrison, Hays, Jespersen, Knowland, McBride, McCormack, Mixer, Phillips, Powers, Schottky, Slater, Westover, and Young—15.

### Motion.

Senator Olson moved that further proceedings under the call of the Senate be dispensed with.

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, McColl, and Powers on the adoption of the motion that further proceedings of the Senate be dispensed with.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Garrison, Keating, McColl, Olson, Parkman, Pierovich, Powers, Westover, and Young—9.

**NOES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hollister, Holohan, Knowland, Law, McBride, McCormack, McGovern, Metzger, Mixer, Nielsen, Phillips, Quinn, Rich, Schottky, Seawell, Slater, Swing, and Tickle—25.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

**MR. PRESIDENT:** Your Committee on Federal Relations, to which was referred: Assembly Joint Resolution No. 9—Relative to memorializing the Congress of the United States to extend assistance to the American Merchant Marine; Has had the same under consideration, and respectfully reports the same back without recommendation.

(Signed out)

PHILLIPS, Chairman.  
HOLOHAN.  
CUNNINGHAM.

### Consideration of Assembly Joint Resolution No. 9.

#### Assembly Joint Resolution No. 9.

Relative to memorializing the Congress of the United States to extend assistance to the American Merchant Marine.

**WHEREAS,** A modern merchant marine handling water-borne commerce during peace time is essential to the prosperity and welfare of the Pacific Coast; and

**WHEREAS,** The Pacific Coast has its particular problems in connection with water-borne commerce and essential trade routes; and

**WHEREAS,** The large investment in port facilities on the Pacific Coast is dependent upon water-borne commerce for its existence; and

**WHEREAS,** A modern and adequate American Merchant Marine is imperative to our national defense; and for the movement of the products of agriculture; and

**WHEREAS,** The American Merchant Marine, as an auxiliary to the Navy, is essential to the safety of the United States; and

**WHEREAS,** These port facilities are essential to the defense of the nation; and must be maintained; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Congress of the United States is hereby respectfully urged to enact legislation extending all possible assistance to the American Merchant Marine; and be it further

*Resolved,* That the chief clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, each of the members of the United States Maritime Commission, and to each Senator and member of the House of Representatives from California in the Congress of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 9 adopted by the following vote:

**AYES**—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Westover, and Young—31.

**NOES**—None.

Assembly Joint Resolution No. 9 ordered transmitted to the Assembly.

### Reports of Standing Committees—(Resumed).

The following reports of standing committee were received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

**MR. PRESIDENT:** Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 11—Relative to memorializing the President and the Congress to enact the bill now pending before the Congress relating to the control of venereal diseases;

Assembly Joint Resolution No. 13—Relative to memorializing the President and the Congress of the United States to make available Federal funds for the reconstruction, repair and replacement of roads and highways damaged and destroyed by floods;

Assembly Joint Resolution No. 14—Relative to requesting the State of Utah to cooperate in preventing the marriage of white women and Filipinos;

Assembly Joint Resolution No. 15—Relative to aliens in America;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

**RICH, Chairman.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

**MR. PRESIDENT:** Your Committee on Rules, to which was referred:

Assembly Bill No. 31—An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations;

Assembly Bill No. 34—An act to add a new section numbered 11½ to an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products and the use of brands and trade-marks in connection therewith; providing for the licensing of persons, firms, associations or corporations, installing and using motor vehicle fuel pumps; regulating signs, placards, posters, streamers, cards and other advertising media advertising gasoline or other motor vehicle fuel or the price thereof; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be considered.

**RICH, Chairman.**

Upon motion of Senator Rich, the reports of the Committee on Rules were adopted.

Assembly Joint Resolution No. 11 read, and referred to Committee on Federal Relations.

Assembly Joint Resolution No. 13 read, and referred to Committee on Federal Relations.

Assembly Joint Resolution No. 14 read, and referred to Committee on Federal Relations.



Assembly Joint Resolution No. 15 read, and referred to Committee on Federal Relations.

Assembly Bill No. 31 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 34 read first time, and referred to Committee on Oil Industries.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to:

Senate Bill No. 4—An act to add section 508 to the Streets and Highways Code, relating to State Highways;

And appointed Assemblymen Scudder, Sawallisch and Morgan, as a Committee on Free Conference to meet a like committee from the Senate.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

### Appointment of Committee on Free Conference Concerning Senate Bill No. 4.

The President announced the appointment of Senators Slater, Knowland and Jespersen, as a Committee on Free Conference concerning Senate Bill No. 4.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding a new section numbered 11 to Article XVI thereof, relating to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare;

And respectfully requests your honorable body to concur in said amendments.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

### Consideration of Assembly Amendments to Senate Constitutional Amendment No. 2.

The Senate took up for consideration Assembly amendments to Senate Constitutional Amendment No. 2.

#### Amendment No. 1.

On page 1, line 6 of the title of the printed measure, strike out the comma, strike the whole of line 7 of the title, and insert in lieu thereof a period.

#### Amendment No. 2.

On page 1 of the printed measure, strike out lines 10 to 25, inclusive, strike out all of pages 2, 3, and 4, inclusive, and insert in lieu thereof the following:

"SEC. 11. Notwithstanding any provision of section 10 of this Article of the Constitution to the contrary, the Legislature has plenary power to provide for the administration of any constitutional provisions or laws heretofore or hereafter enacted concerning the administration of relief, and to that end may modify, transfer, or enlarge the powers vested in the Relief Administrator, the Relief Commission or any other State agency or officer concerned with the administration of relief or laws appertaining thereto. The Legislature, or the people by initiative, shall have power to amend, alter, or repeal any law relating to the relief of hardship and destitution, whether such hardship and destitution results from unemployment or from other causes, or to provide for the administration of the relief of hardship and destitution, whether resulting from unemployment or from other causes, either directly by the State or through the counties of the State, and to grant such aid to the counties therefor, or make such provision for reimbursement of the counties by the State, as the Legislature deems proper."

The question being: Shall the Senate concur in Assembly amendments to Senate Constitutional Amendment No. 2?

The roll was called, and Assembly amendments to Senate Constitutional Amendment No. 2 concurred in by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—32.

NOES—None.

Senate Constitutional Amendment No. 2 ordered to enrollment.

### Third Reading of Assembly Bill No. 20.

**Assembly Bill No. 20**—An act relating to lands owned by the State; reserving all minerals and all oil and gas in State lands; providing for prospecting for and taking such minerals and for the extraction and removal of oil and gas therefrom; providing for the acquisition by purchase or condemnation of interests in privately owned lands to facilitate the operations provided for or contemplated by this act; creating a State Lands Commission, prescribing its powers and duties, and transferring to and vesting in the State Lands Commission the administration of and jurisdiction over State lands; repealing acts or parts of acts in conflict herewith; and making an appropriation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 20 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hays, Holohan, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, and Young—29.

NOES—Senators Garrison, Hollister, Jespersen, McGovern, Olson, and Westover—6.

Assembly Bill No. 20 ordered transmitted to the Assembly.

### Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be, and he is hereby ordered and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate in the sum of \$10.25 in payment for lunch served the members of the Senate on the night prior to adjournment sine die of the fifty-second extraordinary session of the Legislature.

RICH, Chairman.

LAW.

MCCORMACK.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Keating, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Waggy, Westover, and Young—36.

NOES—None.

### Third Reading of Assembly Bill No. 8.

**Assembly Bill No. 8**—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 8 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Garrison, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—32.

NOES—Senator Fletcher—1.

Assembly Bill No. 8 ordered transmitted to the Assembly.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Oil and Oil Industries.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Oil and Oil Industries, to which was referred:

Assembly Bill No. 34—An act to add a new section numbered 11½ to an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products and the use of brands and trade-marks in connection therewith; providing for the licensing of persons, firms, associations or corporations, installing and using motor vehicle fuel pumps; regulating signs, placards, posters, streamers, cards and other advertising media advertising gasoline or other motor vehicle fuel or the price thereof; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

WAGY, Chairman.

### Consideration of Assembly Bill No. 34.

#### Resolution.

The following resolution was offered:

By Senator Nielsen:

Resolved, That Assembly Bill No. 34 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Westover, and Young—34.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 34.

### Second Reading of Assembly Bill No. 34.

Assembly Bill No. 34—An act to add a new section numbered 11½ to an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate,

kerosene and lubricating oil; regulating the distribution and sale of such products and the use of brands and trade-marks in connection therewith; providing for the licensing of persons, firms, associations or corporations, installing and using motor vehicle fuel pumps; regulating signs, placards, posters, streamers, cards and other advertising media advertising gasoline or other motor vehicle fuel or the price thereof; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil.

Bill read second time.

### Third Reading of Assembly Bill No. 34.

**Assembly Bill No. 34**—An act to add a new section numbered 11½ to an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products and the use of brands and trade-marks in connection therewith; providing for the licensing of persons, firms, associations or corporations, installing and using motor vehicle fuel pumps; regulating signs, placards, posters, streamers, cards and other advertising media advertising gasoline or other motor vehicle fuel or the price thereof; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil.

### Re-reference of Assembly Bill No. 34.

Senator Jespersen moved that Assembly Bill No. 34 be re-referred to Committee on Oil Industries.

Motion carried, and such was the order.

### Re-reference of Assembly Bill No. 31.

Senator Phillips moved that Assembly Bill No. 31 be withdrawn from Committee on Governmental Efficiency.

Motion carried, and such was the order.

### Consideration of Assembly Bill No. 31.

#### Resolution.

The following resolution was offered:

By Senator Phillips:

*Resolved*, That Assembly Bill No. 31 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.



The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Waggy, Westover, and Young—33.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 31.

### Second Reading of Assembly Bill No. 31.

**Assembly Bill No. 31**—An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations.

Bill read second time.

### Third Reading of Assembly Bill No. 31.

**Assembly Bill No. 31**—An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 31 passed by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, McGovern, Mixter, Nielsen, Olson, Parkman, Phillips, Pierovich, Quinn, Schottky, Seawell, Slater, Tickle, and Westover—28.

NOES—Senator Rich—1.

Assembly Bill No. 31 ordered transmitted to the Assembly.

### Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read:

#### Concerning Senate Bill No. 4.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Free Conference Concerning

Senate Bill No. 4—An act to add section 508 to the Streets and Highways Code, relating to State highways;

Reports that it has met a like committee of the Assembly, consisting of Assemblymen Morgan, Seudder, and Sawallisch, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

#### Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, strike out "and", and insert "or".

**Amendment No. 2.**

On page 1, line 8, of the printed bill, as amended, strike out "public nonprofit foundation.", and insert in lieu thereof the following: "a nonprofit corporation formed under the laws of the State of California mainly for the purpose of aiding, assisting and treating the ill and afflicted; provided further that the State shall not expend in excess of fifteen thousand dollars for the construction and repair of said road."

SLATER.  
JESPERSEN.  
KNOWLAND.

Senate Committee on Free Conference.

MORGAN.  
SCUDDER.  
SAWALLISCH.

Assembly Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—30.

NOES—None.

**Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Federal Relations.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred:

Assembly Joint Resolution No. 11—Relative to memorializing the President and the Congress to enact the bill now pending before the Congress relating to the control of venereal diseases;

Assembly Joint Resolution No. 13—Relative to memorializing the President and the Congress of the United States to make available Federal funds for the reconstruction, repair and replacement of roads and highways damaged and destroyed by floods;

Assembly Joint Resolution No. 14—Relative to requesting the State of Utah to cooperate in preventing the marriage of white women and Filipinos;

Assembly Joint Resolution No. 15—Relative to aliens in America;

Has had the same under consideration, and respectfully reports the same back, without recommendation.

(Signed out)

PHILLIPS, Chairman.  
HOLOHAN.  
CUNNINGHAM.

**Motion.**

Senator Deuel moved that Assembly Joint Resolutions Nos. 11, 13, 14 and 15 be re-referred to the Committee on Federal Relations.

Motion carried, and such was the order.

**Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 23—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs;

providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately;

And requests that your honorable body recede therefrom.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### Consideration of Senate Amendments.

The Senate took up for consideration Senate amendments to Assembly Bill No. 23.

#### Amendment No. 1.

On page 2, line 4, of the printed bill, strike out the period and insert in lieu thereof: "or milk products".

#### Amendment No. 2.

On page 3 of the printed bill, strike out all of line 46, and insert in lieu thereof the following:

"Cooperative marketing association may sign such petition for its members if expressly authorized so to do by any instrument in writing".

#### Amendment No. 3.

On page 4 of the printed bill, strike out all of lines 1 to 13, inclusive, and insert in lieu thereof the following:

"In the case of horticultural or viticultural products, each producer shall be entitled to sign for the number of producing factors specified in the petition, which he produced or possessed during the preceding season, or in the case of vegetable products or live stock and poultry and their products, the producing factor shall be based upon the actual acreage planted or live stock owned or the products thereof produced at the time he signs the petition".

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 23?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 23 by the following vote:

AYES—None.

NOES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Westover, and Young—31.

### Appointment of Committee on Free Conference.

The President announced the appointment of Senators Phillips, Garrison and Crittenden, as a Committee on Free Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 23.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 10—Relative to memorializing Congress to enact, and the President to approve, the proposed General Welfare Act.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Joint Resolution No. 10 referred to Committee on Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 9—Relative to fire hazards along the State highways.

Senate Concurrent Resolution No. 7—Relative to a Commission on Intergovernmental Cooperation.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolution No. 9 ordered to enrollment.  
Senate Concurrent Resolution No. 7 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 3—Relative to memorializing Secretary of Agriculture Henry A. Wallace.

Senate Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States to enact H. R. 9236, relative to reimbursement by the Federal Government to States and counties for expenditures in behalf of non-residents.

Senate Joint Resolution No. 6—Urging the enactment of House of Representatives Bill No. 8430 now pending in the Congress of the United States, providing for Federal aid in the construction of the "T" tunnel project at San Pedro Harbor.

Senate Joint Resolution No. 7—Relative to memorializing the President and Congress to provide all necessary aids to night air navigation.

Senate Joint Resolution No. 1—Relative to memorializing Congress in relation to California's opposition to reciprocal trade agreements concerning agricultural products.

JAMES G. SMYTH, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Joint Resolution No. 3 ordered to enrollment.  
Senate Joint Resolution No. 5 ordered to enrollment.  
Senate Joint Resolution No. 6 ordered to enrollment.  
Senate Joint Resolution No. 7 ordered to enrollment.  
Senate Joint Resolution No. 1 ordered to enrollment.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred:

Assembly Joint Resolution No. 14—Relative to requesting the State of Utah to cooperate in preventing the marriage of white women and Filipinos;

Assembly Joint Resolution No. 15—Relative to aliens in America;  
Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

PHILLIPS, Chairman.

### Consideration of Assembly Joint Resolution No. 14.

#### Assembly Joint Resolution No. 14.

Relative to requesting the State of Utah to cooperate in preventing the marriage of white women and Filipinos.

WHEREAS, Marriages between white persons and Filipinos or members of the Malay race are illegal and void in California and in neighboring States; and

WHEREAS, According to recent newspaper reports, more than two hundred young white women residing in the State of California have been taken to the State of Utah by members of the Malay race for the purpose of marriage, thereby evading the California law; and

WHEREAS, These dual racial couples have returned to reside in the State of California; and

WHEREAS, The offspring of these unions have been found to be difficult subjects for assimilation into the social and economic life of, and have created additional and vexing racial problems in, the State of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby respectfully requests its fellow American citizens, the legislative representatives of the people of the great State of Utah, to enact such law or laws as may be necessary to aid the State of California in preventing the flaunting of California laws prohibiting marriage between white persons and members of the Filipino or Malay race; and be it further



*Resolved*, That in making this request the Legislature of the State of California fully appreciates that it has no control whatsoever over the citizens of the State of Utah, nor does it by this resolution endeavor or intend to transgress any of the rights of a sister State nor to interfere with any of the privileges or rights of her citizens. This resolution is motivated only by a desire to stop the practice whereby citizens of the State of California and members of a nonassimilable alien race have been defeating California marriage laws by resorting to a subterfuge of transient residence in the State of Utah. It is further motivated by the desire to enlist the cooperation and assistance of the State of Utah in preventing a practice which, it is believed, is not beneficial to the welfare of the citizens of the State of California and which is extremely harmful to the offspring of persons who have resorted to such practice; and be it further

*Resolved*, That a copy of this resolution be forwarded by the Secretary of the State of California to the Governor of the State of Utah and to the presiding officers in the Legislature of the State of Utah.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 14 adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixer, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—30.

NOES—None.

Assembly Joint Resolution No. 14 ordered transmitted to the Assembly.

### Consideration of Assembly Joint Resolution No. 15.

Relative to aliens in America.

WHEREAS, The presence of the alien in this country and his activities constitute a grave problem that demands the immediate attention of Congress; and

WHEREAS, This alien question directly affects every American wage earner, employer and taxpayer, and forms the basis for much of the current distress, expense and danger resulting from unemployment, relief, crime and the activities of subversive minority groups; and

WHEREAS, We know little about the aliens who are in this country, legally or otherwise, but we do know, however, according to reputable estimates, that there are three and a half million aliens unlawfully in this country, and the same sources indicate that there are from one million to one and a half million aliens on public relief. Others have estimated that one out of eight persons now on relief is an alien, while another set of reliable figures shows that there are 6,000,000 aliens enjoying regular employment in this country; and

WHEREAS, California is not spared the disturbing effect of the alien, the 1930 Census showing that there were in this State 256,147 unnaturalized aliens; and

WHEREAS, It is safe to estimate that with the great influx of population from all over the country during the past four years, this California total has been swollen to formidable proportions; and

WHEREAS, These estimates of the alien population of the United States can not be taken lightly, and every American wage earner who has been replaced by foreign workers who refuse to swear allegiance to our country, every taxpayer who supports aliens on the relief rolls, and every citizen whose peace and security have been jeopardized by alien gangsters, criminals, kidnappers, drug peddlers and mental defectives will testify to the gravity of the situation; and

WHEREAS, This trouble will not end here, for on the day we started our vast social welfare program each alien within our borders became a distinct liability, as our relief agencies make no distinction between American citizens and aliens in administering relief, and the Social Security Act makes no distinction, in the application of its terms, between American citizens and aliens; and these factors, unless relieved by legislation, must necessarily result each year in an increasing burden for the taxpayer; and

WHEREAS, A great percentage of the alien population, as long as it remains in this country, will continue to compete with the American working man for jobs, and the alien is not only to be found enjoying employment in private industry but, strange enough, is to be found on the pay rolls of the government; and

WHEREAS, In addition to the millions of aliens who are in this country illegally, there are hundreds of thousands of others who have entered legally but have since abused the privileges of residence, many baying engaged in violent crimes and having been convicted by courts, and in California alone one-eighth of the population of Folsom and San Quentin prisons is composed of alien felons; and

WHEREAS, A vast number of alien agitators in this country have committed no offenses of the types outlined in our present deportation laws but still have been able to incite others to the widespread commission of acts hostile to the security of communities and States in which they live, and many of the activities of these alien agitators are known to have been financed by foreign agencies, for the sole purpose of undermining and destroying the American form of government and American institutions; and

WHEREAS, Nowhere in the world today does a similar situation exist where citizens of a country are forced to suffer in order to provide plenty for aliens, the major countries of Europe having laws which give preference of employment to the citizens of their country and the American workman, however skilled, can not secure employment in those countries if there is a citizen of that country who desires and can do the work; and

WHEREAS, American citizens are not accepted and cared for on relief in foreign countries, being promptly sent home, while ours is the only country on earth that gives aliens the same opportunity for work and the same relief as American citizens and no other country tolerates the situation that exists in the United States today; and

WHEREAS, The answer to the alien problem is control; control at the gates of the country by smaller and more selective quotas; control of alien movements and activities within our borders by strict registration; control of alien conduct by mandatory deportation laws that will affect the immediate and certain deportation of those who violate the laws or the hospitality of our country; and

WHEREAS, The present laws regulating aliens and deportation of aliens have proven inadequate, particularly in the so-called "hardship" cases, which have proven to be difficult of decision under existing regulations, but which can best be cared for by regulations written by Congress itself; and

WHEREAS, California, with a heavy relief burden on its hands, confronted by a serious unemployment problem, already a victim of the alien criminal, gangster, dope peddler, is weary of the trials and distractions of the alien agitator; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the Legislature of the State of California most respectfully urges and petitions the President and the Congress of the United States to enact legislation providing for three steps to deal with the alien problem: first, drastic reduction in now existing quotas and the establishment of quotas for the countries of North and South America; second, registration of all aliens in the United States; and third, deportation of all aliens unlawfully in the United States and the deportation of undesirable aliens, including dope peddlers, gangsters, racketeers, and criminals, the definitions and directions to be specific, leaving but a minimum of discretionary power to any administrative official; and, be it further

*Resolved,* That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House, and to the Senators and Representatives of the State of California in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and Assembly Joint Resolution No. 15 adopted by the following vote:

AYES—Senators Allen, Biggar, Cunningham, DeLap, Deuel, Fletcher, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, McGovern, Metzger, Mixter, Nielsen, Parkman, Pierovich, Quinn, Rieh, Seawell, Slater, Tickle, Wagy, Westover, and Young—29.

NOES—None.

Assembly Joint Resolution No. 15 ordered transmitted to the Assembly.

#### Motion to Rescind.

Senator McGovern moved to rescind the action of the Senate referring Assembly Bill No. 30 to Committee on Finance.

The question being on the adoption of the motion to rescind.

The roll was called, and the motion to rescind lost by the following vote:

AYES—Senators Allen, Biggar, DeLap, Fletcher, Hollister, Holohan, Law, McColl, McCormack, McGovern, Metzger, Nielsen, Olson, Parkman, Pierovich, Quinn, Rieh, Schottky, Seawell, and Tickle—20.

NOES—Senators Cunningham, Deuel, Hays, Jespersen, Knowland, McBride, Mixter, Slater, Wagy, Westover, and Young—11.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 21—An act to amend the Welfare and Institutions Code by adding section 103.5 thereto, relating to the establishment of personnel standards in the administration of aid to the needy aged, the needy blind and needy children, providing for the enforcement thereof, declaring the urgency thereof, and providing that this act shall take effect immediately.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 21 referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully returns:

Senate Joint Resolution No. 2—Relative to memorializing the President and the Congress of the United States to make available Federal funds for flood relief. Same being ordered stricken from the calendar.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

### Reports of Standing Committees—(Resumed).

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 21—An act to amend the Welfare and Institutions Code by adding section 103.5 thereto, relating to the establishment of personnel standards in the administration of aid to the needy aged, the needy blind and needy children, providing for the enforcement thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be considered.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

Upon motion of Senator Rich, the report of the Committee on Rules was adopted.

Assembly Bill No. 21 read first time, and referred to Committee on Social Security.

### Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read:

#### Concerning Assembly Bill No. 23.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Free Conference concerning:

Assembly Bill No. 23—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately;

Reports that it has met a like committee of the Assembly, consisting of Assemblymen Desmond, O'Donnell, and Garland, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

**Amendment.**

On page 3, line 47, of the printed bill, as amended on March 12, strike out the period, and insert the following: "signed by the member."

PHILLIPS.  
CRITTENDEN.  
GARRISON.

Senate Committee on Free Conference.

DESMOND.  
GARLAND.  
O'DONNELL.

Assembly Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Jespersen, Knowland, Law, McBride, McColl, McCormack, Metzger, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Schottky, Seawell, Tickle, Wagy, Westover, and Young—30.

NOES—None.

**Reports of Standing Committees—(Resumed).**

The following report of standing committee was received and read:

**On Social Security.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 21—An act to amend the Welfare and Institutions Code by adding section 103.5 thereto, relating to the establishment of personnel standards in the administration of aid to the needy aged, the needy blind and needy children, providing for the enforcement thereof; Has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—3; committee vote: Ayes—2; noes—1.

WESTOVER, Chairman.

**Consideration of Assembly Bill No. 21.****Resolution.**

The following resolution was offered:

By Senator Fletcher:

*Resolved*, That Assembly Bill No. 21 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Allen, Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Hays, Hollister, Holohan, Knowland, Law, McBride, McColl, McCormack, Mixter, Nielsen, Parkman, Phillips, Pierovich, Quinn, Rich, Schottky, Seawell, Slater, Tickle, Wagy, Westover, and Young—30.

NOES—Senators Jespersen, and Metzger—2.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 21.

**Second Reading of Assembly Bill No. 21.**

**Assembly Bill No. 21**—An act to amend the Welfare and Institutions Code by adding section 103.5 thereto, relating to the establishment of personnel standards in the administration of aid to the needy aged,



the needy blind and needy children, providing for the enforcement thereof.

Bill read second time.

### Third Reading of Assembly Bill No. 21.

**Assembly Bill No. 21**—An act to amend the Welfare and Institutions Code by adding section 103.5 thereto, relating to the establishment of personnel standards in the administration of aid to the needy aged, the needy blind and needy children, providing for the enforcement thereof.

Bill read third time.

### Re-reference of Assembly Bill No. 21.

Senator Tickle moved that Assembly Bill No. 21 be re-referred to Committee on Social Security.

Motion carried, and such was the order.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning:

**Assembly Bill No. 23.**

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning: Senate Bill No. 4—An act to add section 508 to the Streets and Highways Code, relating to State highways.

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 4 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

**Assembly Bill No. 20.**

**Assembly Bill No. 8.**

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

**Assembly Bill No. 24.**

**Assembly Bill No. 25.**

JAMES G. SMYTH, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

### Withdrawal of Assembly Bill No. 21.

Senator Fletcher moved that Assembly Bill No. 21 be withdrawn from Committee on Social Security.

The question being on the motion to withdraw Assembly Bill No. 21 from Committee.

The roll was called, and the motion lost by the following vote:

AYES—Senators Fletcher, Pierovich, Slater, and Young—4.

NOES—Senators Allen, Hollister, Jaspersen, Knowland, McCormack, McGovern, Metzger, Mixter, Phillips, and Rich—10.

## Reports of Standing Committees.

The following reports of standing committees were received and read:

### On Agriculture.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 28—An act to amend the title and sections 2, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 18.1, 19, 19.1, 20, 21, 22, 23, 24, 25 and 25.1, and to repeal sections 3, 4 and 5 of an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, relating to agricultural proration programs and the enforcement thereof, and the transfer of administration of said act from the Agricultural Prorate Commission to the Director of the State Department of Agriculture;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

CRITTENDEN, Chairman.

### On Civil Service.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred:

Senate Concurrent Resolution No. 6—Relative to age restrictions on candidates for civil service positions;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

YOUNG, Chairman.

### On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred:

Assembly Concurrent Resolution No. 8—Relative to permanent flood control; Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

GARRISON, Chairman.

### On Federal Relations.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred:

Assembly Joint Resolution No. 3—Relative to memorializing and petitioning the President of the United States and the Congress to enact legislation providing mediation and arbitration of labor disputes;

Assembly Joint Resolution No. 7—Relative to memorializing the President, the Congress, and the Secretary of State of the United States to protect agricultural products from unfair competition from abroad;

Assembly Joint Resolution No. 8—Relative to memorializing the President and the Congress of the United States to enact H. R. 9102 creating a permanent Federal Bureau of Fine Arts;

Assembly Joint Resolution No. 10—Relative to memorializing Congress to enact, and the President to approve, the proposed General Welfare Act;

Assembly Joint Resolution No. 11—Relative to memorializing the President and the Congress to enact the bill now pending before the Congress relating to the control of venereal diseases;

Assembly Joint Resolution No. 13—Relative to memorializing the President and the Congress of the United States to make available Federal funds for the reconstruction, repair and replacement of roads and highways damaged and destroyed by floods;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

PHILLIPS, Chairman.

### On Finance.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 30—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged

persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

SWING, Chairman.

#### On Oil Industries.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred:

Assembly Bill No. 32—An act relating to tide and submerged lands granted by the state to cities, counties, cities and counties and to other political subdivisions; consenting to suits against the State in connection therewith; providing for the extraction and removal of oil and gas therefrom; and repealing acts or parts of acts in conflict therewith;

Assembly Bill No. 34—An act to add a new section numbered 11½ to an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products and the use of brands and trademarks in connection therewith; providing for the licensing of persons, firms, associations or corporations, installing and using motor vehicle fuel pumps; regulating signs, placards, posters, streamers, cards and other advertising media advertising gasoline or other motor vehicle fuel or the price thereof; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil;

Senate Bill No. 9—An act relating to tide and submerged lands granted by the State to cities, counties, cities and counties and to other political subdivisions; consenting to suits against the State in connection therewith; providing for the extraction and removal of oil and gas therefrom; and repealing acts or parts of acts in conflict therewith;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

WAGY, Chairman.

#### On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 22—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817c6, and 3817k thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

KNOWLAND, Chairman.

#### On Rules.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 1—Relative to the study and investigation of the cost of aid to the aged;

Assembly Concurrent Resolution No. 11—Relative to calling a special session to provide legislation for reimbursing private persons and public agencies for loss and damage sustained by them during the recent floods;

Assembly Concurrent Resolution No. 15—Relative to the relief of the hardship and destitution in Fresno County caused by the recent floods;

Assembly Concurrent Resolution No. 17—Relative to unexpended balances in certain appropriations hitherto made from the contingent funds of the Senate and Assembly;

Senate Bill No. 7—An act to add section 641 to the Streets and Highways Code, establishing certain additional State highways.

Senate Concurrent Resolution No. 2—Relative to the appointment of a joint interim committee to investigate the Department of Employment and certain charges and criticisms recently published against the department;

Senate Concurrent Resolution No. 3—Relative to the study and investigation of the cost of aid to the aged;

Senate Concurrent Resolution No. 5—Relative to calling a special session to provide legislation for reimbursing private persons and public agencies for loss and damage sustained by them during the recent floods;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

RICH, Chairman.

**On Social Security.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Social Security, to which was referred:

Assembly Bill No. 21—An act to amend the Welfare and Institutions Code by adding section 103.5 thereto, relating to the establishment of personnel standards in the administration of aid to the needy aged, the needy blind and needy children, providing for the enforcement thereof;

Assembly Concurrent Resolution No. 16—Relative to housing conditions at the Veterans' Home of California;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

WESTOVER, Chairman.

**On Engrossment, Enrollment and Printing.**

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined:

Senate Bill No. 3—An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78, 83, 85a and 86 of, and to add sections 3a, 75a, and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System and to retirement of employees of the University of California;

Senate Bill No. 4—An act to add section 508 to the Streets and Highways Code, relating to State highways;

Senate Bill No. 6—An act to amend sections 3664b, 3666a, 3668, 3668b, 3668c and 3669 of the Political Code, all relating to the taxation of insurance companies and associations under the provisions of Article XIII of the Constitution of this State, and providing that this act shall take effect upon the effective date of Senate Constitutional Amendment No. 1, proposed at the extraordinary session of the Legislature commencing on the seventh day of March, one thousand nine hundred thirty-eight;

Senate Bill No. 8—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties;

Senate Concurrent Resolution No. 7—Relative to a commission on intergovernmental cooperation;

Senate Concurrent Resolution No. 8—Requesting the Department of Public Works and the Department of Finance to report to the fifty-third session of the Legislature regarding the amount of property damaged or destroyed during recent storms and floods and the causes thereof;

Senate Concurrent Resolution No. 9—Relative to fire hazards along the State highways;

Senate Joint Resolution No. 1—Relative to memorializing Congress in relation to California's opposition to reciprocal trade agreements concerning agricultural products;

Senate Joint Resolution No. 3—Relative to memorializing Secretary of Agriculture Henry A. Wallace;

Senate Joint Resolution No. 4—Relative to memorializing the President and Congress to provide for the maintenance of intercoastal steamship lines between the Atlantic seaboard and the Pacific coast;

Senate Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States to enact H. R. 9256, relative to reimbursement by the Federal Government to States and counties for expenditures in behalf of nonresidents;

Senate Joint Resolution No. 6—Urging the enactment of House of Representatives Bill No. 8430 now pending in the Congress of the United States, providing for Federal aid in the construction of the "T" tunnel project at San Pedro Harbor;

Senate Joint Resolution No. 7—Relative to memorializing the President and Congress to provide all necessary aids to night air navigation;

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XIII thereof a new section to be numbered 14½, relating to the taxation of insurance companies and associations;

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding a new section numbered 11 to Article XVI thereof, relating to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator;

And reports that the same have been correctly enrolled, and presented to the Governor on the twelfth day of March, 1938, at eleven o'clock a.m.

METZGER, Chairman.



### Resolution.

The following resolution was offered:

By Senator McBride:

*Resolved*, That a Committee of Three be appointed to notify the Assembly that the Senate is ready to adjourn sine die, and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Rich, adopted.

### Appointment of Special Committee.

The President of the Senate announced the appointment of Senators McBride, Nielsen and DeLap as a committee to notify the Assembly that the Senate is ready to adjourn sine die.

### Resolution.

The following resolution was offered:

By Senator Phillips:

*Resolved*, That a Committee of Three be appointed to notify the Governor that the Senate is ready to adjourn sine die, and to ask if His Excellency has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Rich, adopted.

### Appointment of Special Committee.

The President of the Senate announced the appointment of Senators Garrison, Westover and Schottky, as a committee to notify the Governor that the Senate is ready to adjourn sine die.

### Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and fifty-seven minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Crittenden.

### Committee from the Assembly.

At eleven o'clock and fifty-nine minutes a.m., a committee from the Assembly, consisting of Messrs. Lyon, Morgan and Maloney, appeared at the bar of the Senate, and announced that the Assembly had no further communications to submit to the Senate and was now prepared to adjourn sine die.

### Approval of Journals.

The Senate Journals of Monday, March 7, 1938; Tuesday, March 8, 1938; Wednesday, March 9, 1938; Thursday, March 10, 1938; Friday, March 11, 1938; and Saturday, March 12, 1938, were, on motion of Senator Rich, approved as corrected by the Minute Clerk and Secretary of the Senate.

### Final Adjournment.

Whereupon at twelve o'clock m., in accordance with the provisions of Assembly Concurrent Resolution No. 14 and Senate Concurrent Resolution No. 1, the President of the Senate declared the fifty-second

(extraordinary) session of the Senate of the State of California adjourned sine die out of respect to the memory of the late Harry A. Chamberlin.

JOSEPH A. BEEK,

Secretary of the Senate.

ELLSWORTH W. SCAMMON,

Minute Clerk of the Senate.

GEORGE J. HATFIELD,

President of the Senate,

WM. P. RICH,

President pro tempore of the Senate.

## SUPPLEMENT TO SENATE JOURNAL

### SENATE BILLS APPROVED BY THE GOVERNOR, CHAPTERED AND FILED WITH THE SECRETARY OF STATE

Number.....	Chapter.....	Author	Subject of title	Approved by Governor.....
8	8	McGovern.....	State aid to counties for old age pensions.....	Mar. 29
3	12	Knowland.....	Retirement of employees of the University of California.....	Mar. 30
2	17	Fletcher.....	Redemption from tax sales.....	April 6
6	20	Hays.....	Taxation of insurance companies.....	April 11
1	21	Jespersen.....	An act to validate bonds of school districts.....	April 14
5	22	McColl.....	To legalize bonds of municipal corporations.....	April 14

### SENATE BILLS POCKET VETOED BY THE GOVERNOR

Pocket vetoed when not signed by the Governor and filed with the Secretary of State before 12 o'clock, midnight, April 16, 1938.

No.	Author	Subject of title
4	Slater.....	Highway to Geysers.

### \*SENATE CONSTITUTIONAL AMENDMENTS FILED WITH THE SECRETARY OF STATE AND CHAPTERED

Number.....	Chapter.....	Author	Subject of title	Date filed with Secretary of State.....
1	16	Hays.....	A resolution relating to taxation of insurance companies.....	Mar. 16
2	18	Swing.....	A resolution relating to the transfer of all activities of the Relief Administration.....	Mar. 16

\*To be voted upon at the general election to be held November 8, 1938.

## SUPPLEMENT TO SENATE JOURNAL—Continued

SENATE CONCURRENT RESOLUTIONS FILED WITH THE  
SECRETARY OF STATE AND CHAPTERED

Number	Chapter	Author	Subject of title	Date filed with Secretary of State
1	1	Olson	Relative to the respect and esteem of the Legislature for the late Senator Harry A. Chamberlio	Mar. 12
4	2	Parkman	Relative to approving certain amendments to the charter of the county of San Mateo, State of California	Mar. 12
7	23	Phillips	Relative to a commission on inter-governmental cooperation	Mar. 16
8	21	Swing	Requesting report on flood damage	Mar. 16
9	22	Wagy	Relative to fire hazards along the State highways	Mar. 16

SENATE JOINT RESOLUTIONS FILED WITH THE  
SECRETARY OF STATE AND CHAPTERED

Number	Chapter	Author	Subject of title	Date filed with Secretary of State
1	19	Metzger	Relative to trade agreements concerning agricultural products	Mar. 16
3	20	Powers	Relative to memorializing Secretary of Agriculture Henry A. Wallace	Mar. 16
4	15	McGovern	Memorializing Congress to provide for the maintenance of inter-coastal steamship lines between the Atlantic seaboard and the Pacific Coast	Mar. 16
5	26	Olson	Memorializing Congress to enact H. R. 9256, relative to reimbursement to States and counties for expenditures in behalf of non-residents	Mar. 16
6	25	Olson	Urging enactment of H. R. Bill No. 8430 for Federal aid in the construction of the "T" tunnel project at Sao Pedro Harbor	Mar. 16
7	24	McColl	Memorializing Congress to provide necessary aids to night air navigation	Mar. 16



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CALIFORNIA LEGISLATURE  
FIFTY-SECOND (EXTRAORDINARY) SESSION

# ASSEMBLY DAILY JOURNAL

FIRST LEGISLATIVE DAY  
FIRST CALENDAR DAY

## IN ASSEMBLY

ASSEMBLY CHAMBER,  
SACRAMENTO, Monday, March 7, 1938.

The Assembly met at one o'clock p.m., pursuant to the provisions of the proclamation of His Excellency, Frank F. Merriam, Governor of the State of California, dated March 5, 1938.

Hon. William Moseley Jones, Speaker of the Assembly, in the chair.

### Announcement.

James G. Smyth, Chief Clerk of the Assembly, announced that, pursuant to the requirements of the Political Code, section 237, the following officers of the Assembly of the fifty-second (regular) session of the Legislature were present and in their respective positions: James G. Smyth, Chief Clerk; David V. Oliver, Minute Clerk, and Delwin W. Smith, Sergeant-at-Arms.

### Roll Call of Members.

The Speaker thereupon directed the Chief Clerk to call the roll of Assemblymen.

The roll was called, and the following members of the Assembly answered to their names:

Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor, Miller, George, P. Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Redwin, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker.

The Speaker thereupon declared a quorum present.

### Prayer.

Prayer was offered by Rev. Wm. F. Elmann, Chaplain of the Assembly.

### Announcement.

The Speaker announced the receipt of the following communications:

NEW YORK, N. Y., March 6, 1938.

*Hon. William Moseley Jones, Speaker of the Assembly,*

*Assembly Chamber, State Capitol, Sacramento, California.*

Illness prevents my planned departure New York to arrive for session Monday. Weather conditions have interrupted air schedules, therefore am unable to arrive before Thursday. Please have Assembly excuse my absence Monday, Tuesday, and Wednesday. Also please have this explanation of my absence printed in Journal.

Regards,

JEFFERSON E. PEYSER.

March 5, 1938.

Hon. William Moseley Jones, Speaker of the Assembly,  
State Capitol, Sacramento, California.

DEAR MOSELEY: At the present time I am confined to St. Joseph's Hospital in this city as the result of an operation. The doctor advised me that it will be necessary for me to remain here probably a week longer.

I would request, therefore, that notice of my inability to be present be inserted in the Journal and that I be excused from attending the special session because of my physical disability.

If, however, the session extends beyond a week, it *may* be possible for me to attend for a day or so. However, knowing that the Democrats and Republicans alike are going to get together very speedily and harmoniously in order to dispatch the business for which the session has been called, I feel that probably your labors will be over in a few days. I know that nothing of a political nature will transpire at the session to prolong the same—at least someone told me that.

With kindest personal regards to you and all the members, I am,  
Very truly yours,

MELVYN I. CRONIN.

### Leaves of Absence.

Messrs. Cronin and Peyser were granted leaves of absence as requested in the above communications, on motion of Mr. McMurray.

Mr. Scudder was granted leave of absence for Monday, March 7, 1938, and Tuesday, March 8, 1938, on motion of Mr. Desmond.

### Proclamation by the Governor.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

#### Proclamation by the Governor Convening the Legislature in Extraordinary Session.

WHEREAS, An extraordinary occasion has arisen and now exists, requiring that the Legislature of the State of California be convened; now, therefore,

I, FRANK F. MERRIAM, Governor of the State of California, by virtue of the power and authority in me vested by section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session, at Sacramento, California, on Monday, the seventh day of March, one thousand nine hundred thirty-eight, at one o'clock p.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon an act relating to lands owned by the State, creating a State Lands Commission and prescribing its duties and powers with respect to such lands, and particularly the protection and extraction of oil and gas deposits and other minerals from such lands of the State.

2. To consider and act upon an act to create public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income, and to prescribe the powers and duties of such housing authorities.

3. To consider and act upon an act declaring slum clearance and housing projects to be public uses in behalf of which the right of eminent domain may be exercised.

4. To consider and act upon an act to authorize cities, cities and counties, towns, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, cities and counties, towns, counties and other political subdivisions to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities, cities and counties, and counties to make an appropriation for the first year's administrative expenses of housing authorities; and to authorize certain cities, cities and counties, towns and counties to pay moneys to housing authorities.

5. To consider and act upon an act to exempt the property and bonds of housing authorities from taxation and assessments and to authorize certain payments in lieu of such taxes and assessments.

6. To consider and act upon an act to amend Chapter 754 of the Statutes of 1933 relating to the institution and enforcement of agricultural proration programs.

7. To consider and act upon an act providing for the establishment and enforcement of personnel standards for the personnel of the counties engaged in the administration of aid to the needy aged, aid to the needy blind, and aid to needy children.

8. To consider and act upon an act to enable building and loan associations to obtain all of the advantages permitted by the National Housing Act by defining, extending and providing for the loans, advances of credit, insurance, and purchases of obligations which may be made pursuant to the National Housing Act.

9. To consider and act upon the proposal to the people of the State of California at the general election in November, 1938, of an amendment to the Constitution of the State of California relating to the retirement of judges and justices.

10. To consider an act upon an act to prescribe the fees of jurors in criminal cases in municipal courts.



11. To consider and act upon an act to add to the State highway system a new secondary highway to be known as Route 208 from Route 1 near Preston to the Geysers.

12. To consider and act upon an act to set up a procedure to determine the validity of tax sales and tax deeds and the taxes for any year since a tax sale and, if invalid, to correct the causes of invalidity and render the sales and deeds valid, and stating the powers and duties of public officers in relation to tax sales, tax deeds, and redemptions.

13. To consider an act upon an act to amend sections 1, 2, 12, 17, and 20 of the Refunding Assessment Bond Act of 1935, relating to refunding the indebtedness of special improvement districts, and to validate refunding proceedings heretofore taken, refunding assessments heretofore levied, and refunding bonds heretofore issued under such act.

14. To consider and act upon an act to amend sections 1, 2, 12, and 15 of the Assessment Bond Refunding Act of 1933, relating to refunding the indebtedness of special improvement districts, and to validate refunding proceedings heretofore taken, refunding reassessments heretofore levied, and refunding bonds heretofore issued under such act.

15. To consider an act upon legislation concerning the taxation of insurers to carry into effect the constitutional amendment relating thereto.

16. To consider and act upon an amendment to the Constitution of the State, for proposal to the people at the general election to be held in November, 1938, providing for taxation of insurers.

17. To consider an act upon an act to authorize the California Commission for the Golden Gate International Exposition to procure insurance.

18. To consider an act upon an act to provide for the establishment and maintenance of portions of the State exhibit in connection with the Golden Gate International Exposition upon property of district agricultural associations, to authorize contracts between the California Commission for the Golden Gate Exposition, any institution, corporation or association, and district agricultural associations, and to permit, for that purpose, allocation of funds heretofore appropriated.

19. To consider and act upon an act to empower district agricultural associations to lease, let, or grant licenses to use, property of the association, to contract with corporations or associations, or with State agencies, for the conduct of exhibitions and contests upon such property, and to provide for the manner of conducting such exhibitions or contests.

20. To consider and act upon an amendment to the Constitution of the State, for proposal to the people at the general election to be held in November, 1938, transferring to the Department of Social Welfare all duties, powers, purposes, responsibilities, property, unexpended moneys, and jurisdiction of the Relief Administration, including the Relief Commission and the Relief Administrator; abolishing the Relief Administrator, the Relief Commission, the office of the Relief Administrator, and the offices and positions of all deputies, officers, and employees of or under any of them; and providing for the retention in State service, subject to the civil service laws and on terms and conditions prescribed, of salaried officers and employees holding positions abolished thereby.

21. To consider and act upon legislation providing for the payment of delinquent taxes in installments and for redemption with reduction in or elimination of penalties in respect to delinquent State and county taxes and assessments on real estate.

22. To consider and act upon an act relating to apportionment of moneys, otherwise appropriated, to counties and district agricultural associations for the encouragement of agricultural fairs, and the expenditure of and accounting for such moneys.

23. To consider and act upon an act to provide for the annexation of uninhabited territory to municipal corporations.

24. To consider and act upon an act to validate bonds of all school districts, high school districts and junior college districts of every kind and character.

25. To consider and act upon an act to validate bonds of municipal corporations.

26. To approve or reject amendments to the charter of the city of San Jose ratified by the electors of that city at an election held on October 19, 1937.

27. To approve or reject an amendment to the charter of the City and County of San Francisco ratified by the electors of that city and county at an election held on November 2, 1937.

28. To approve or reject amendments to the charter of the county of San Mateo ratified by the electors of that county at an election held on June 22, 1937.

29. To approve or reject amendments to the charter of the city of Santa Monica ratified by the electors of that city at an election held on December 7, 1937.

30. To consider and act upon an act to appropriate additional moneys in the sum of three million dollars to the emergency fund created by Chapter 157 of the Statutes of 1937.

31. To consider and act upon an act to appropriate additional moneys in the sum of four million nine hundred thousand dollars for expenditure during the eighty-ninth and ninetieth fiscal years for the relief of hardship and destitution due to and

caused by unemployment, as provided by the California Unemployment Relief Act of 1935.

32. To consider and act upon a joint resolution relating to the acceptance of a permit from the United States Government for rights of way through the Presidio of San Francisco for the construction of a portion of a State highway, and relating to the retrocession by the Congress of the United States of jurisdiction over the rights of way.

33. To consider and act upon an act to clarify the status and define the rights of retired and active employees of the University of California with respect to the State Employees' Retirement System.

34. To consider and act upon an act to appropriate, from moneys received under the Use Fuel Tax Act of 1937, moneys for the administration of said act and for the repair, reconstruction of, or additions to, those bridges on State highways which have been posted for less than legal speeds or weights.

35. To consider and act upon an act regulating the issuance and redemption, of bonds and fixing of tolls by the California Toll Bridge Authority in connection with the San Francisco-Oakland Bay Bridge; and, in the event of insufficiency of revenues therefor, making an annual appropriation of money from that portion of the State highway fund available for State highway purposes in the northern California counties, to guarantee redemption of such bonds.

36. To approve or reject amendments to the charter of the city of Alhambra ratified by the electors of that city at an election held on the 8th day of June, 1937.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this fifth day of March in the year of our Lord one thousand nine hundred thirty-eight.

FRANK F. MERRIAM,  
Governor of California.

ATTEST:

FRANK C. JORDAN,  
Secretary of State.

By CHAS. J. HAGERTY,  
Deputy Secretary of State.

[SEAL]

#### Motion to Print Extra Copies of Proclamation.

On motion of Mr. Hornblower, the Chief Clerk was instructed to have printed, with a rush order, 500 copies of the Governor's Proclamation.

#### Resolution.

The following resolution was offered:

By Mr. Lyon:

#### House Resolution No. 1.

*Resolved by the Assembly of the State of California, That the following named persons constitute the officers of Assembly with the per diem as fixed by statute:*

Hon. William Moseley Jones	Speaker
Hon. Henry P. Meehan	Speaker pro tempore
James G. Smyth	Chief Clerk
Jack Carl Greenhurg	Assistant Chief Clerk
David V. Oliver	Minute Clerk
Delwin W. Smith	Sergeant-at-Arms
Rev. William F. Ehmann	Chaplain

and be it further

*Resolved, That the State Controller be, and he is hereby directed to draw his warrants in favor of the above named persons, except the Chief Clerk, and the State Treasurer is hereby directed to pay such warrants for and at the fixed per diem.*

**House Resolution No. 1** read, and adopted by the following vote:

AYES—Andreas, Beene, Boyle, Burns, Hugh M. Burns, Michael J. Call, Cassidy, Corwin, Cottrell, Crowley, Daley, Daunenbrink, Dawson, Desmond, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Kepple, King, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P. Millington, Muldoon, O'Donnell, Peck, Pelletier, Reaves, Richie, Robertson, Sawallisch, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, and Mr. Speaker—58.

NOES—Clark, Patterson, and Yorty—3.

Whereupon the Speaker declared the above named the duly elected officers of the Assembly for the fifty-second (extraordinary) session of the Legislature.

#### Oath of Office Administered.

Hon. William Moseley Jones, Speaker; Hon. Henry P. Meehan, Speaker pro tempore; James G. Smyth, Chief Clerk; David V. Oliver,

Minute Clerk; Delwin W. Smith, Sergeant-at-Arms; Rev. William F. Ehmann, Chaplain, appeared before the bar of the Assembly, and took and subscribed to the following oath, administered by Hon. Charles J. Haggerty, Deputy Secretary of State:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California and discharge the duties of the office of the Assembly to the best of my ability.

### Resolution.

The following resolutions were offered:

By Mr. King:

#### House Resolution No. 2.

*Resolved by the Assembly of the State of California*, That the Speaker of the Assembly appoint a committee of three to inform the Senate that the Assembly is in session, pursuant to the proclamation of His Excellency, the Governor, dated the fifth day of March, 1938, and ready for the transaction of legislative business, with the following officers, to wit:

Hon. William Moseley Jones	Speaker
Hon. Henry P. Meehan	Speaker pro tempore
James G. Smyth	Chief Clerk
Jack Carl Greenburg	Assistant Chief Clerk
David V. Oliver	Minute Clerk
Delwin W. Smith	Sergeant-at-Arms
Rev. William F. Ehmann	Chaplain

**House Resolution No. 2 read and adopted.**

#### Appointment of Special Committee.

The Speaker appointed Messrs. Lyon, Maloney and King as a Special Committee to convey the above message to the Senate and to invite the Senate to meet with the Assembly in Joint Convention to hear Governor Frank F. Merriam deliver his special session message.

By Mr. Meehan:

#### House Resolution No. 3.

*Resolved by the Assembly of the State of California*, That until further notice the Standing Rules of the last regular session be, and the same are, hereby adopted as the Rules of this extraordinary session.

**House Resolution No. 3 read, and adopted by the following vote:**

AYES—Beene, Boyle, Burns, Hugh M. Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Kepple, King, Latham, Laughlin, Leonard, Levey, Lore, Martin, Mayo, McMurray, Meehan, Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peck, Pelletier, Reeves, Richie, Robertson, Sawallisch, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Weber, Yorty, and Mr. Speaker—58.

NOES—None.

By Mr. Corwin:

#### House Resolution No. 4.

*Resolved by the Assembly of the State of California*, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following named officers and members of the Assembly for the amounts set opposite their names, and the State Treasurer is hereby directed and ordered to pay the same:

Amount at 5 cents per mile	Total mileage	Mileage one way	Distance from county seat, less	Distance from county seat, more	Distance from county seat	Name	Address
\$31 20	624				312	1 Michael J. Burns	Eureka, Humboldt County
28 00	560	280	44		324	2 Clinton J. Fulcher	Lookout, Modoc County
2 30	46				23	3 John H. O'Donnell	Woodland, Yolo County
7 20	144	72	14		86	4 Seth Millington	Gridley, Butte County
4 80	96				48	5 Ernest C. Crowley	Suisun, Solano County
8 50	170	85		12	73	6 Jesse M. Mayo	Angels Camp, Calaveras County
9 70	194	97		7	90	7 Hubert B. Seudder	Sebastopol, Sonoma County
						8 Chester F. Gannon	Sacramento, Sacramento County
						9 Earl D. Desmond	Sacramento, Sacramento County

District	Name	Address	Distance from county seat	Distance from county seat, more	Distance from county seat, less	Mileage one way	Total mileage	Amount at 5 cents per mile
10	Harold F. Sawalliseb	Riebmond, Contra Costa County	62	22	--	84	168	\$8 40
11	Charles M. Weber	Stockton, San Joaquin County	48	--	--	--	96	4 80
12	James E. Thorp	Lockeford, San Joaquin County	48	--	3	45	90	4 50
13	James M. Cassidy	Oakland, Alameda County	84	--	--	--	168	8 40
14	George P. Miller	Alameda, Alameda County	84	5	--	89	178	8 90
15	Leon M. Donibue	Oakland, Alameda County	84	--	--	--	168	8 40
16	Arthur H. Breed, Jr.	Piedmont, Alameda County	84	--	--	--	168	8 40
17	Henry P. Meehan	Oakland, Alameda County	84	--	--	--	168	8 40
18	Henry A. Dannenbrink	Oakland, Alameda County	84	--	--	--	168	8 40
19	Gardiner Johnson	Berkeley, Alameda County	84	--	1	83	166	8 30
20	Thomas A. Maloney	San Francisco, San Francisco County	90	--	--	--	180	9 00
21	Joseph Francis Sheehan	San Francisco, San Francisco County	90	--	--	--	180	9 00
22	Kennett B. Dawson	San Francisco, San Francisco County	90	--	--	--	180	9 00
23	William B. Hornblower	San Francisco, San Francisco County	90	--	--	--	180	9 00
24	Patrick J. McMurray	San Francisco, San Francisco County	90	--	--	--	180	9 00
25	Melvyn I. Cronin	San Francisco, San Francisco County	90	--	--	--	180	9 00
26	Ray Williamson	San Francisco, San Francisco County	90	--	--	--	180	9 00
27	Jefferson E. Peyser	San Francisco, San Francisco County	90	--	--	--	180	9 00
28	Edgar C. Levey	San Francisco, San Francisco County	90	--	--	--	180	9 00
29	Harrison W. Call	So. San Francisco, San Mateo County	119	--	--	--	238	11 90
30	Adron A. Beene	Palo Alto, Santa Clara County	128	18	--	146	292	14 60
31	C. C. Cottrell	San Jose, Santa Clara County	128	--	--	--	256	12 80
32	Hugh P. Donnelly	Turlock, Stanislaus County	77	14	--	91	182	9 10
33	James D. Garibaldi	Merced, Merced County	114	--	--	--	228	11 40
34	Jacob M. Leonard	Hollister, San Benito County	173	--	--	--	346	17 30
35	Ellis E. Patterson	King City, Monterey County	208	50	--	258	516	25 80
36	Hugh M. Burns	Fresno, Fresno County	169	--	--	--	338	16 90
37	S. L. Helsingier	Fresno, Fresno County	169	--	--	--	338	16 90
38	Gordon H. Garland	Woodlake, Tulare County	206	16	--	222	444	22 20
39	Alfred W. Robertson	Santa Barbara, Santa Barbara County	460	--	--	--	920	46 00
40	Fred P. Muldoon	Oxnard, Ventura County	490	10	--	500	1000	50 00
41	Rodney L. Turner	Delano, Kern County	278	--	30	248	496	24 80
42	Elmer E. Lore	North Hollywood, Los Angeles County	447	--	--	--	894	44 70
43	C. Don Field	Glendale, Los Angeles County	447	--	10	437	874	43 70
44	John B. Pelletier	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
45	Charles A. Hunt	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
46	Jack B. Tenney	Inglewood, Los Angeles County	447	10	--	457	914	45 70
47	Eleanor Miller	Pasadena, Los Angeles County	447	13	--	460	920	46 00
48	Frank L. Baynham	Pomona, Los Angeles County	447	32	--	479	958	47 90
49	Gerald C. Kepple	Whittier, Los Angeles County	447	15	--	462	924	46 20
50	William Moseley Jones	Montebello, Los Angeles County	447	10	--	457	914	45 70
51	Ben Rosenthal	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
52	E. V. Latham	Alhambra, Los Angeles County	447	9	--	456	912	45 60
53	Wilbur F. Gilbert	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
54	Frank D. Laughlin	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
55	Thomas J. Cunningham	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
56	Kent H. Redwine	Hollywood, Los Angeles County	447	--	--	--	894	44 70
57	Charles W. Lyon	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
58	Geoffrey F. Morgan	Santa Monica, Los Angeles County	447	22	--	469	938	46 90
59	Ernest O. Voigt	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
60	Augustus F. Hawkins	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
61	Ralph Louis Welsb	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
62	Samuel W. Yorty	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
63	Gene Flint	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
64	James J. Boyle	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
65	Cecil R. King	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
66	Fred Reeves	San Pedro, Los Angeles County	447	23	--	470	940	47 00
67	Fred P. Glick	South Gate, Los Angeles County	447	15	--	462	924	46 20
68	John Gee Clark	Long Beach, Los Angeles County	447	22	--	469	938	46 90
69	Paul Peek	Long Beach, Los Angeles County	447	22	--	469	938	46 90
70	Godfrey A. Andreas	Upland, San Bernardino County	508	22	--	530	1060	53 00
71	Gordon W. Corwin	Highland, San Bernardino County	508	10	--	518	1036	51 80
72	Clyde A. Watson	Orange, Orange County	481	--	--	--	962	48 10
73	Thomas A. Kuchel	Anaheim, Orange County	481	7	--	488	976	48 80
74	Nelson S. Dilworth	Hemet, Riverside County	512	34	--	546	1092	54 60
75	Clarence R. Walker	Westmoreland, Imperial County	661	--	22	639	1278	63 90
76	Jeanette E. Daley	San Diego, San Diego County	573	--	--	--	1146	57 30
77	Paul A. Rieble	San Diego, San Diego County	573	--	--	--	1146	57 30
78	Charles W. Stream	Palm City, San Diego County	573	13	--	586	1172	58 60



Name	Address	Distance from county seat.	Distance from county seat, more.	Mileage one way	Total mileage	Amount at 10 cents per mile
James G. Smyth	San Francisco, San Francisco County	90	--	--	180	\$18 00
Dave Oliver	Fresno, Fresno County	169	--	--	338	33 80
Delwin W. Smith	Los Angeles, Los Angeles County	447	--	--	894	89 40

**House Resolution No. 4** read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Latham, Leonard, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Weber, Williamson, Yorty, and Mr. Speaker—66

NOES—Desmond—1.

### Special Order Set.

On motion of Mr. Hunt, the hour of two o'clock p.m., Tuesday, March 8, 1938, was set as a special order of business for appropriate ceremonies to pay tribute to the late Frank G. Martin, member of the Assembly, Forty-eighth District; the late Frank J. Waters, member of the Assembly, Fifty-eighth District, and the late Thomas F. Finn, former member of the Assembly and the Senate.

### Motion for Special Committee.

On motion of Mr. Hunt, the Speaker was requested to appoint a Special Committee of Three, in accordance with the above motion.

### Appointment of Special Committee.

The Speaker appointed Messrs. Hunt, Morgan and Maloney as such Special Committee.

### Introduction and Reference of Bills.

The following bills were introduced, and referred as indicated:

**Assembly Concurrent Resolution No. 1:** By Messrs. Lyon and Hornblower—Relative to the study and investigation of the cost of aid to the aged.

Introduced, and ordered placed upon the calendar without reference to committee.

**Assembly Concurrent Resolution No. 2:** By Mr. Lyon—Relative to the use of fuel tax moneys for the repair and construction of canals, bridges, culverts, roads, streets, highways, and other means of transportation and communication.

Introduced, and ordered placed upon the calendar without reference to committee.

**Assembly Joint Resolution No. 1:** By Mr. Crowley—Relative to memorializing the President and Congress to award the construction of naval vessels to the Pacific Coast shipyards.

Introduced, and ordered placed upon the calendar without reference to committee.

### Committee from the Senate.

Senators McBride, Nielsen and Phillips appeared before the bar of the Assembly, and announced that the Senate had reconvened, and was ready to meet with the Assembly in Joint Convention.

**Recess.**

At one o'clock and fifty-five minutes p.m., the Assembly was declared at recess for the purpose of meeting with the Senate in Joint Convention.

**IN JOINT CONVENTION.**

(For minutes of the Joint Convention, see Senate Journal of this date.)

**IN ASSEMBLY.**

At two o'clock and fifty-five minutes p.m., the Assembly reconvened. Speaker Jones in the chair.

**Motion for Temporary Rule for Bill Procedure.**

Mr. Williamson moved that the Committee on Rules be instructed to report a temporary rule governing the procedure of all bills introduced, and in the meantime that all bills be placed upon the calendar without reference to committee.

**Substitute Motion.**

Mr. Welsh moved that all bills be referred to regular standing committees, and that the standing committees of the fifty-second regular session be the standing committees for the fifty-second special (extraordinary) session.

The roll was called, and the substitute motion lost by the following vote:

**AYES**—Cassidy, Crowley, Dannenbrink, Desmond, Donihue, Flint, Fuleher, Garibaldi, Garland, Glick, Heisinger, Hunt, Lore, Meehan, Miller, George P., Muldoon, Pelletier, Reaves, Robertson, Sawallisch, Voigt, and Welsh—22.

**NOES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Clark, Cottrell, Cunningham, Dawson, Donnelly, Field, Gannon, Gilbert, Hawkins, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Miller, Eleanor; Millington, Morgan, O'Donnell, Patterson, Peek, Redwine, Richie, Rosenthal, Sheehan, Stream, Tenney, Thorp, Walker, Watson, Weher, Williamson, and Yorty—47.

The question being on the motion by Mr. Williamson.

The roll was called, and the motion carried by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Field, Flint, Fuleher, Gannon, Garibaldi, Gilbert, Glick, Hawkins, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Martin, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Reaves, Redwine, Richie, Rosenthal, Sawallisch, Sheehan, Stream, Tenny, Thorp, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—68.

**NOES**—Garland, Hunt, Pelletier, and Robertson—4.

**Introduction and Reference of Bills.**

The following bills were introduced:

**Assembly Concurrent Resolution No. 3:** By Messrs. Maloney, Hornblower, Dawson, Levey, Sheehan, McMurray, and Williamson—Relative to approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the second day of November, 1937.

**Request for Unanimous Consent.**

Mr. Maloney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 3, at this time, without reference to print or calendar, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 3.**

**Assembly Concurrent Resolution No. 3**—Relative to approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San

Francisco at an election held therein on the second day of November, 1937.

Assembly Concurrent Resolution No. 3 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Field, Flint, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon O'Donnell, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Rosenthal, Sawalliseh, Sheehan, Stream, Tenney, Thorp, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—68.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

**Assembly Concurrent Resolution No. 4:** By Mr. Morgan—Relative to approving amendments to the charter of the city of Santa Monica, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the seventh day of December, 1937.

**Request for Unanimous Consent.**

Mr. Morgan asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 4, at this time, without reference to print or calendar, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 4.**

**Assembly Concurrent Resolution No. 4**—Relative to approving amendments to the charter of the city of Santa Monica, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the seventh day of December, 1937.

Assembly Concurrent Resolution No. 4 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Burns, Hugh M., Burns, Michael J., Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Field, Flint, Fuleher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Laughlin, Leonard, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Redwine, Robertson, Rosenthal, Sawalliseh, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—67.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

**Assembly Concurrent Resolution No. 5:** By Mr. Cottrell—Relative to approving two certain amendments to the charter of the city of San Jose, in the county of Santa Clara, State of California, voted for and ratified by the electors of said city at a special election held therein on the nineteenth day of October, 1937.

**Request for Unanimous Consent.**

Mr. Cottrell asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 5, at this time, without reference to print or calendar, and that the same be considered engrossed.

**Assembly Concurrent Resolution No. 5**—Relative to approving two certain amendments to the charter of the city of San Jose, in the county of Santa Clara, State of California, voted for and ratified by the electors of said city at a special election held therein on the nineteenth day of October, 1937.

Assembly Concurrent Resolution No. 5 read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Laughlin, Leonard, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Redwine, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—67.

**NOES**—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

**Assembly Concurrent Resolution No. 6:** By Messrs. McMurray, Hornblower, Levey, Williamson, Dawson, and Maloney—Relative to the Golden Jubilee Anniversary of the Press Club of San Francisco.

**Request for Unanimous Consent.**

Mr. McMurray asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 6, at this time, without reference to print or calendar, and that the same be considered engrossed.

**Assembly Concurrent Resolution No. 6**—Relative to the Golden Jubilee Anniversary of the Press Club of San Francisco.

**Assembly Concurrent Resolution No. 6** read and adopted.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

**Assembly Concurrent Resolution No. 7:** By Mr. Latham—Relative to the approval of three certain amendments to the charter of the city of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon on the eighth day of June, 1937.

**Request for Unanimous Consent.**

Mr. Latham asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 7, at this time, without reference to print or calendar, and that the same be considered engrossed.

**Assembly Concurrent Resolution No. 7**—Relative to the approval of three certain amendments to the charter of the city of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon on the eighth day of June, 1937.

**Assembly Concurrent Resolution No. 7** read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dawson, Desmond, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—70.

**NOES**—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

### Resolutions.

The following resolutions were offered:

By Mr. Sawallisch:

**House Resolution No. 6.**

**WHEREAS**, Honorable Frank F. Merriam, Governor of the State of California, has deemed it necessary to call a special session of the Legislature, and under and by virtue of Article 5, section 9, of the Constitution of the State of California, has



called such special session to convene on Monday, March 7, 1938, at one o'clock p.m., of said day; and

WHEREAS, Article 5, section 9, of the Constitution of the State of California provides in part that the Governor "may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it; and,

WHEREAS, The Governor summoned the members of the Legislature to the State Capitol for the special session thereof by letter and telegram, and refused to notify said members of the purposes for which the special session was called, and further refused to apprise the members of the subjects to be considered during said special session; and,

WHEREAS, The Governor further refused to provide the members of the State Legislature with printed copies of the various measures to be considered during the special session, though the printed text of certain measures was made available to certain lobbyists; and

WHEREAS, The true intent of the provision of the Constitution, above quoted, is that the Governor issue his proclamation in advance of the date for the Legislature to convene, and in his proclamation set forth the subjects to be considered in order that the legislators and the people of the State of California be apprised of the purposes for which the special session is called; and

WHEREAS, To carry out such intent, all the members of the Legislature as well as the press should be provided in advance with the printed text of matters to be considered, in order that a full and complete study of the measures may be made prior to the time that the Legislature takes them under consideration as a body; now, therefore, be it

*Resolved by the Assembly of the State of California,* That the practice of the Governor in calling a special session of the Legislature and refusing to notify the members of the subjects to be considered as well as refusing to furnish them with printed copies of the measures to be proposed, is without a doubt a most intolerable procedure and is rebuked by this Assembly; be it further

*Resolved,* That such practice is deplorable in that it places a cloak of secrecy around said special session, which results in undemocratic methods being used and employed to enact legislation, without giving those most vitally interested therein an opportunity to give said legislation careful study and consideration; be it further

*Resolved,* That the fifty-third session of the Legislature of the State of California submit to the people of the State of California, for their consideration, appropriate measures which will correct the evils hereinabove set forth.

#### Request for Unanimous Consent.

Mr. Sawallisch asked for unanimous consent to take up House Resolution No. 6, at this time, without reference to calendar.

Mr. Redwine withheld his consent.

#### Motion for Temporary Suspension of the Rules.

Mr. Boyle moved that the Rules be temporarily suspended for the purpose of considering House Resolution No. 6, at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Andreas, Boyle, Burns, Hugh M., Cassidy, Clark, Crowley, Daley, Dannenbrink, Dawson, Desmond, Donibue, Donnelly, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, King, Laughlin, Levey, Lore, Maloney, McMurray, Meehan, Miller, George P., Millington, Morgan, O'Donnell, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Sawallisch, Tenney, Thorp, Turner, Voigt, Watson, Welsh, Williamson, Yorty, and Mr. Speaker—50.

NOES—Beene, Breed, Burns, Michael J., Call, Corwin, Cottrell, Cunningham, Field, Kepple, Latham, Leonard, Lyon, Mayo, Miller, Eleanor; Muldoon, Redwine, Sheehan, Stream, Walker, and Weber—20.

#### Consideration of House Resolution No. 6.

House Resolution No. 6 read, and adopted by the following vote:

AYES—Andreas, Baynham, Boyle, Burns, Hugh M., Cassidy, Clark, Crowley, Daley, Dannenbrink, Dawson, Desmond, Donibue, Donnelly, Flint, Fulcher, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, King, Laughlin, Lore, McMurray, Meehan, Miller, George P., Millington, Morgan, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Sawallisch, Tenney, Turner, Voigt, Watson, Welsh, Williamson, Yorty, and Mr. Speaker—46.

NOES—Breed, Burns, Michael J., Call, Corwin, Cunningham, Field, Gannon, Kepple, Latham, Leonard, Levey, Lyon, Maloney, Mayo, Miller, Eleanor; Muldoon, Redwine, Sheehan, Stream, Walker, and Weber—21.

By Mr. Yorty:

#### House Resolution No. 7.

Relating to the investigation of Milk Control Laws.

WHEREAS, At the last session of the Legislature a bill was passed to stabilize the milk industry; and

WHEREAS, The ability of the public to obtain milk at fair prices is of great public interest; and

WHEREAS, A fair return to producers is also of great public interest; and

WHEREAS, The Director of Agriculture, acting in accordance with the so-called Desmond Bill, has ordered an increase in the price of milk in the Los Angeles milk shed to be paid by consumers, and a decreased price to be paid to producers; and

WHEREAS, Such order has not been made in accordance with the spirit and intention of the Legislature but has been made solely in the interests of monopolistic combinations of milk distributors; and

WHEREAS, This condition of great detriment has resulted in widespread public disapproval; now, therefore, be it

*Resolved by the Assembly of the State of California*, That a committee of three members of the Assembly be appointed by the Speaker, to be known as the Assembly Milk Control Investigating Committee, and to have power to investigate in detail all laws regulating, controlling or otherwise governing the production, processing or distribution of milk and milk products and all matters incidental thereto.

*Resolved*, That such committee upon the appointment of its members shall organize, and that such committee may appoint a secretary and may employ such clerical, legal and technical assistance and adopt such rules as it in its discretion deems necessary and proper to enable it to carry out to full force and effect the powers granted and the duties imposed herein; and be it further

*Resolved*, That all officers of this State and the heads of each and every department, agency, and subdivision thereof, and all employees of such departments, agencies and subdivisions and all other persons whether connected with the State government or not, shall give and furnish to such committee upon request, such information, records and documents as the committee deems necessary or proper for the achievement of the purposes for which it was created; and be it further

*Resolved*, That such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and be it further

*Resolved*, That the members of such committee are, and that each of them is hereby authorized and empowered to administer oaths, and that all the provisions of Article VIII of Chapter II, Title I, Part III of the Political Code relative to the attendance and examination of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution; and be it further

*Resolved*, That the Sergeant-at-Arms of the Assembly is hereby directed to serve any and all subpoenas, orders and other process that may be issued by such committee, when directed so to do by the committee or by the chairman thereof, and to do and perform any other service required of him by such committee or the chairman thereof; and be it further

*Resolved*, That such committee is hereby authorized and empowered to make a complete investigation and study of all the matters and subjects hereinbefore referred to and relating thereto, and to do any and all things necessary and proper in connection therewith, and to do and perform each and all of the things necessary or convenient to enable it to exercise the powers and perform the duties heretofore granted to it or imposed upon it; and be it further

*Resolved*, That such committee may exercise its powers and perform its duties during the sessions of the Legislature and after its adjournment sine die at such times and places as the committee determines and shall make its report and recommend such legislation as it deems desirable to the fifty-third session of the Legislature prior to its adjournment for the constitutional recess in 1939; and be it further

*Resolved*, That for the purpose of paying the expenses of such committee, in connection with the powers granted and the duties imposed by this resolution, and for the paying of the expenses of the necessary assistants of such committee, there is hereby appropriated from the contingent fund of the Assembly the sum of \$700 to be disbursed after certification by the chairman upon warrants drawn by the Controller upon the State Treasurer.

House Resolution No. 7 ordered printed in the Journal.

By Mr. Yorty:

#### House Resolution No. 8.

Relating to the investigation of the referendum petition filed against the Garrison Revenue Bond Act.

WHEREAS, The Garrison Revenue Bond Act was almost unanimously passed by both houses of the Legislature; and

WHEREAS, A referendum petition has been filed against this bill, which referendum petition has been sponsored by selfish corporate interests; and

WHEREAS, It appears that money with which to campaign against the bill has been raised from public utility rates paid by rich and poor alike; and

WHEREAS, It is in the general public interest to know from what sources opposition to this bill is coming; now, therefore, be it

*Resolved by the Assembly of the State of California*, That a committee of three members of the Assembly be appointed by the Speaker, to be known as the Garrison Bond Act Investigating Committee of the Assembly to have the power to investigate in detail the referendum upon the Revenue Bond Act of 1937 (Statutes 1937, Chapter 51, page 120), the persons interested therein, or advancing funds therefor, or campaigning for and against or in any other manner being connected therewith; and be it further

*Resolved*, That such committee upon the appointment of its members shall organize, and that such committee may appoint a secretary and may employ such clerical, legal and technical assistance and adopt such rules as it in its discretion deems necessary and proper to enable it to carry out to full force and effect the powers granted and the duties imposed herein; and be it further

*Resolved*, That all officers of this State and the heads of each and every department, agency, and subdivision thereof, and all employees of such departments, agencies and subdivisions and all other persons whether connected with the State government or not, shall give and furnish to such committee upon request, such information, records and documents as the committee deems necessary or proper for the achievement of the purposes for which it was created; and be it further

*Resolved*, That such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and be it further

*Resolved*, That the members of such committee are, and that each of them is hereby authorized and empowered to administer oaths, and that all the provisions of Article VIII of Chapter II, Title I, Part III of the Political Code relative to the attendance and examination of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution; and be it further

*Resolved*, That the Sergeant-at-Arms of the Assembly is hereby directed to serve any and all subpoenas, orders and other process that may be issued by such committee, when directed to do so by the committee or by the chairman thereof, and to do and perform any other service required of him by such committee or the chairman thereof; and be it further

*Resolved*, That such committee is hereby authorized and empowered to make a complete investigation and study of all the matters and subjects heretofore referred to and relating thereto, and to do any and all things necessary and proper in connection therewith, and to do and perform each and all of the things necessary or convenient to enable it to exercise the powers and perform the duties heretofore granted to it or imposed upon it; and be it further

*Resolved*, That such committee may exercise its powers and perform its duties during the sessions of the Legislature and after its adjournment sine die at such times and places as the committee determines and shall make its report and recommend such legislation as it deems desirable to the fifty-third session of the Legislature prior to its adjournment for the constitutional recess in 1939; and be it further

*Resolved*, That for the purpose of paying the expenses of such committee, in connection with the powers granted and the duties imposed by this resolution, and for the paying of the expenses of the necessary assistants of such committee, there is hereby appropriated from the contingent fund of the Assembly the sum of \$700 to be disbursed after certification by the chairman upon warrants drawn by the Controller upon the State Treasurer.

House Resolution No. 8 ordered printed in the Journal.

By Mr. Yorty:

#### House Resolution No. 9.

Relative to reports by the Railroad Commission.

WHEREAS, There exists in California the legal body known as the Railroad Commission whose duty it is in part to regulate the activities and fix the rates of private utilities operating under State monopolistic or semi-monopolistic franchises; and

WHEREAS, The Railroad Commission has the power and authority and the facilities to secure information of great value to the Legislature in determining its policies and enacting laws concerning these public utilities; and

WHEREAS, The Railroad Commission did furnish pursuant to resolution of the Assembly at the fifty-second session of the Legislature valuable information concerning the salaries, contributions and attorneys' fees paid by these utilities out of their company treasuries during the calendar year 1936; and

WHEREAS, An analysis of these contributions discloses the fact that rate payers were paying contributions for which the utility corporations took credit, and which were used to further the interest of these private corporations regardless of whether such activities were favorable to the public interest; and



WHEREAS, These contributions are charged in their rate base as part of the cost paid by consumers for transportation, communication, heating, lighting and water facilities; and

WHEREAS, There is evidently a growing practice on the part of these corporations to enlist the services of prominent local attorneys to assist their own legal department in securing local good will; and

WHEREAS, The facts concerning these matters for the calendar year 1937, and for the calendar year 1938, should be available for the use of the Assembly in its deliberations; now, therefore, be it

*Resolved by the Assembly of the State of California*, That the Railroad Commission of the State of California is requested to assemble and present to the Governor and to each and every member of the Legislature under a heading similar to those used in summarizing the data heretofore presented to the fifty-second session of the Legislature, an itemized statement of salaries of \$5,000 or more, the contributions and the attorneys' fees of each corporation operating under State franchise and subject to the regulations of the Railroad Commission. The material for the year 1937 shall be compiled on a calendar year basis and shall be mailed to the Governor and members of the Legislature not later than June 1, 1938. The material for the year 1938 shall be compiled monthly and shall be mailed to the Governor and the members of the Legislature not later than one month after the end of the month upon which the report is made.

House Resolution No. 9 ordered printed in the Journal.

By Mr. Reaves:

#### House Resolution No. 10.

Relative to the widening of the State highway running from Los Angeles to Manteca and there forking to Sacramento and Oakland.

WHEREAS, Large sums of money have been allocated by the State Highway Commission for the construction and realignment of highways in parts of the State which are sparsely populated and far removed from the settled paths of vehicular traffic; and

WHEREAS, Reason dictates that if moneys are to be expended for highway construction, they should be expended for construction which will give the greatest benefit and service to the motoring public; and

WHEREAS, The State highway running from Los Angeles to Manteca and there forking to Sacramento and Oakland, is one of the more frequently used and important highways of the State; and

WHEREAS, This highway for the greater part of its length can at present accommodate only two lanes of vehicular traffic; and

WHEREAS, The volume of traffic on this highway renders present accommodations inadequate and hazardous to life and property; now, therefore, be it

*Resolved by the Assembly of the State of California*, That the State Highway Commission is hereby requested to give due consideration to the problem of increasing the width of the State highway running from Los Angeles to Manteca and there forking to Sacramento and Oakland, to accommodate four lanes of vehicular traffic, when it makes further allocations of moneys for highway construction, and to place such highway at the head of its preferred four-lane highway list.

House Resolution No. 10 ordered printed in the Journal.

By Mr. Patterson:

#### House Resolution No. 11.

Relative to requesting the Governor to call a special session for the purpose of amending the law relating to milk prices.

WHEREAS, The so-called "Young Milk Law" and the "Desmond Milk Law," comprising Chapter 10 of Division IV of the Agricultural Code, were enacted to provide for greater revenue to milk producers and to provide an adequate supply of milk, at reasonable prices, for consumption in the fluid state; and

WHEREAS, Prices to consumers of fluid milk have been unjustifiably raised to such an extent that consumption is limited, with the result that an unduly large quantity of fluid milk must be diverted to manufacturing uses; and

WHEREAS, The return to producers for milk used for manufacturing purposes is necessarily much lower than the return for milk consumed in the fluid state and the net return to producers of fluid milk under existing price-fixing regulations is far below normal; and

WHEREAS, Existing laws and regulations are detrimental to both producers and consumers of fluid milk, and permit exorbitant profits to be made by processing distributors converting fluid milk into manufactured dairy products; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Governor is hereby requested to call a special session immediately upon adjournment of this session of the Legislature to consider and act upon remedial legislation affecting the laws relating to marketing fluid milk so that the operation of said laws may afford a beneficial result to the producers and consumers of fluid milk.

House Resolution No. 11 ordered printed in the Journal.



By Mr. Patterson:

**House Resolution No. 12.**

Relative to requesting the Governor to call a special session for the purpose of amending the law relating to milk prices.

WHEREAS, The so-called "Young Milk Law" and the "Desmond Milk Law," comprising Chapter 10 of Division IV of the Agricultural Code, were enacted to provide for greater revenue to milk producers and to provide an adequate supply of milk, at reasonable prices, for consumption in the fluid state; and

WHEREAS, Prices to consumers of fluid milk have been unjustifiably raised to such an extent that consumption is limited, with the result that an unduly large quantity of fluid milk must be diverted to manufacturing uses; and

WHEREAS, The return to producers for milk used for manufacturing purposes is necessarily much lower than the return for milk consumed in the fluid state and the net return to producers of fluid milk under existing price-fixing regulations is far below normal; and

WHEREAS, Existing laws and regulations are detrimental to both producers and consumers of fluid milk, and permit exorbitant profits to be made by processing distributors converting fluid milk into manufactured dairy products; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Governor is hereby requested to call a special session immediately upon adjournment of this session of the Legislature to consider and act upon remedial legislation affecting the laws relating to marketing fluid milk so that the operation of said laws may afford a beneficial result to the producers and consumers of fluid milk.

House Resolution No. 12 ordered printed in the Journal.

By Mr. Patterson:

**House Resolution No. 13.**

Relative to the request that living wages to paid the single men in the relief concentration camps.

WHEREAS, The relief concentration camps set up under the Relief Administration of this State for single men are demoralizing to manhood because they do not even match the facilities and treatment of convicts in our prisons; and

WHEREAS, These men are forced to work for little or no money thus rendering them helpless in seeking to find work in private employment; now, therefore, be it

*Resolved by the Assembly of the Legislature of the State of California, the Senate thereof concurring,* That they go on record as requesting that living wages be paid to these men in the relief concentration camps so that they can compete with other humans in seeking employment when economic conditions pick up.

House Resolution No. 13 ordered printed in the Journal.

By Mr. Patterson:

**House Resolution No. 14.**

Pertaining to the reduction of toll rates on the bay bridges.

WHEREAS, The question of the tolls charges for use of the Oakland-San Francisco and Golden Gate Bridges and the purchase of the bay ferries have become major problems in the northern part of the State; and

WHEREAS, The cities and counties concerned may be pressured into hasty and unwise action in the purchase of ferries or franchises from the companies owning the same; and

WHEREAS, It is the duty of the Legislature to protect concerned in lower tolls and expenditure of money; now, therefore, be it

*Resolved by the Assembly of the Legislature of the State of California, the Senate thereof concurring,* That the Governor of the State of California is hereby requested in calling a special session of the Legislature to give consideration to the question of the tolls charged on the bay bridges.

House Resolution No. 14 ordered printed in the Journal.

By Mr. Patterson:

**House Resolution No. 15.**

Pertaining to the placing on the agenda of the special session of the State Legislature by the Governor the problem of unemployment and relief, or that the Governor immediately call another special session to take up this problem.

WHEREAS, California has been hit by the recession and lay offs in private industry are on the increase; and

WHEREAS, Thousands are unemployed in California; and

WHEREAS, The most essential and immediate problem before the people of the State of California is unemployment and the problem of relief to the unemployed; now, therefore, be it

*Resolved by the Assembly of the Legislature of the State of California, the Senate thereof concurring,* That the Governor of the State of California is hereby requested to place the problem of unemployment and relief on the agenda of this

special session, or to immediately call another special session while we are all here assembled to take up this problem.

House Resolution No. 15 ordered printed in the Journal.

By Mr. Patterson:

**House Resolution No. 16.**

Directing the Governor and the Relief Administrator to take immediate steps to cooperate with the Federal Government in order to reopen the relief sewing projects.

WHEREAS, California has been hit by the recession and private industry has found it necessary to lay off large numbers of their employees; and

WHEREAS, There are thousands of employables unemployed in this State; and

WHEREAS, The sewing projects which have been conducted by the Relief Administration have been of service to the State by providing employment to needy unemployed women; and

WHEREAS, The sewing projects have utilized unemployed women competent in this type of work who have been unable to find employment in private industry due to slack activity in these enterprises; now, therefore, be it

*Resolved by the Assembly of the Legislature of the State of California, the Senate thereof concurring*, That the Governor of the State of California is hereby requested to meet the Federal requirements and continue the worthy sewing projects.

House Resolution No. 16 ordered printed in the Journal.

By Mr. Patterson:

**House Resolution No. 17.**

Directing the Governor and the Attorney General to take immediate and proper action to recover as damages the full value of the oil and gas taken by trespassers from State lands at Huntington Beach and to enjoin and prevent further subsurface trespassing therein by slant drilled wells.

WHEREAS, The Legislature of the State of California is informed that certain oil companies, and particularly the Standard Oil Company of California, have been and are now trespassing upon and in tidelands and submerged lands owned by the State at Huntington Beach in Orange County, by means of slant-drilled wells and are extracting oil and gas therefrom valued at many millions of dollars, all without lawful permission of the State and without any valid claim of right or title thereto; and

WHEREAS, The District Court of Appeal of this State in a controversy between private land owners has recently reaffirmed the elementary proposition that such a trespass is unlawful and that the trespasser is liable in damages for 100 per cent of the value of the oil and gas so taken, regardless of whether the trespass is inadvertent or intentional; and

WHEREAS, Those State officials charged with the duty of protecting the property of the State have not merely failed to perform that duty, but have proposed to validate this trespass and to release the lawful claims of the State for reimbursement for a small fraction of the value of the oil and gas abstracted; and

WHEREAS, No moral or legal reason exists justifying a lesser penalty or different measure of damages for trespassing upon State lands than upon private lands, but, on the contrary, the officials of the State as trustees for the people are bound by the dictates of conscience and their oaths of office to protect the interests of the people and to recover from these trespassers every cent that is lawfully due to the State; now, therefore, be it

*Resolved by the Assembly of the Legislature of the State of California, the Senate thereof concurring*, That the Governor of the State of California and the Attorney General be and they are hereby directed to take immediate and proper action for and on behalf of the people of the State of California to recover as damages the full value of the oil and gas unlawfully taken from State lands at Huntington Beach by trespassers and to enjoin and prevent further subsurface trespass therein by slant-drilled wells.

House Resolution No. 17 ordered printed in the Journal.

By Mr. Patterson:

**House Resolution No. 18.**

Relative to requesting the Governor to call a special session for the purpose of amending the law relating to milk prices.

WHEREAS, The so-called "Young Milk Law" and the "Desmond Milk Law," comprising Chapter 10 of Division IV of the Agricultural Code, were enacted to provide for greater revenue to milk producers and to provide an adequate supply of milk at reasonable prices, for consumption in the fluid state; and

WHEREAS, Prices to consumers of fluid milk have been unjustifiably raised to such an extent that consumption is limited, with the result that an unduly large quantity of fluid milk must be diverted to manufacturing uses; and

WHEREAS, The return to producers for milk used for manufacturing purposes is necessarily much lower than the return for milk consumed in the fluid state and the net return to producers of fluid milk under existing price-fixing regulations is far below normal; and

WHEREAS, Existing laws and regulations are detrimental to both producers and consumers of fluid milk, and permit exorbitant profits to be made by processing distributors converting fluid milk into manufactured dairy products; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the milk industry should be declared by statute to be a public utility and subjected to the jurisdiction of, and regulation by, the Railroad Commission; and be it further

*Resolved,* That the Governor is hereby requested to call a special session immediately upon adjournment of this session of the Legislature to consider and act upon remedial legislation affecting the laws relating to marketing fluid milk so that the operation of said laws may afford a beneficial result to the producers and consumers of fluid milk.

House Resolution No. 18 ordered printed in the Journal.

By Mr. Patterson:

House Resolution No. 19.

Relative to requesting the Governor to call a special session for the purpose of amending the law relating to milk prices.

WHEREAS, The so-called "Young Milk Law" and the "Desmond Milk Law," comprising Chapter 10 of Division IV of the Agricultural Code, were enacted to provide for greater revenue to milk producers and to provide an adequate supply of milk, at reasonable prices, for consumption in the fluid state; and

WHEREAS, Prices to consumers of fluid milk have been unjustifiably raised to such an extent that consumption is limited, with the result that an unduly large quantity of fluid milk must be diverted to manufacturing uses; and

WHEREAS, The return to producers for milk used for manufacturing purposes is necessarily much lower than the return for milk consumed in the fluid state and the net return to producers of fluid milk under existing price-fixing regulations is far below normal; and

WHEREAS, Existing laws and regulations are detrimental to both producers and consumers of fluid milk, and permit exorbitant profits to be made by processing distributors converting fluid milk into manufactured dairy products; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the milk industry should be declared by statute to be a public utility and subject to the jurisdiction of, and regulation by, the Railroad Commission; and be it further

*Resolved,* That the Governor is hereby requested to call a special session immediately upon adjournment of this session of the Legislature to consider and act upon remedial legislation affecting the laws relating to marketing fluid milk so that the operation of said laws may afford a beneficial result to the producers and consumers of fluid milk.

House Resolution No. 19 ordered printed in the Journal.

By Mr. Patterson:

House Resolution No. 20.

Directing the Governor and the Attorney General to take immediate and proper action to recover as damages the full value of the oil and gas taken by trespassers from State lands at Huntington Beach and to enjoin and prevent further subsurface trespassing therein by slant drilled wells.

WHEREAS, The Legislature of the State of California is informed that certain oil companies, and particularly the Standard Oil Company of California, have been and are now trespassing upon and in tidelands and submerged lands owned by the State at Huntington Beach in Orange County, by means of slant-drilled wells and are extracting oil and gas therefrom valued at many millions of dollars, all without lawful permission of the State and without any valid claim of right or title thereto; and

WHEREAS, The District Court of Appeal of this State in a controversy between private land owners has recently reaffirmed the elementary proposition that such a trespass is unlawful and that the trespasser is liable in damages for 100 per cent of the value of the oil and gas so taken, regardless of whether the trespass is inadvertent or intentional; and

WHEREAS, Those State officials charged with the duty of protecting the property of the State have not merely failed to perform that duty, but have proposed to validate this trespass and to release the lawful claims of the State for reimbursement for a small fraction of the value of the oil and gas abstracted; and

WHEREAS, No moral or legal reason exists justifying a lesser penalty or different measure of damages for trespassing upon State lands than upon private lands, but, on the contrary, the officials of the State as trustees for the people are bound by the dictates of conscience and their oaths of office to protect the interests of the people and to recover from these trespassers every cent that is lawfully due to the State; now, therefore, be it



*Resolved by the Assembly of the Legislature of the State of California, the Senate thereof concurring, That the Governor of the State of California and the Attorney General be and they are hereby directed to take immediate and proper action for and on behalf of the people of the State of California to recover as damages the full value of the oil and gas unlawfully taken from State lands at Huntington Beach by trespassers and to enjoin and prevent further subsurface trespass therein by slant-drilled wells.*

House Resolution No. 20 ordered printed in the Journal.

By Mr. Yorty:

**House Resolution No. 21.**

WHEREAS, The Legislature has appointed certain interim committees with power to conduct investigations throughout the State; and

WHEREAS, An appropriation was made to defray the expenses of said committees; and

WHEREAS, The Legislature should be fully informed as to the expenditures made by said committees; therefore, be it

*Resolved, That the State Controller be directed to immediately prepare and transmit to the Assembly an itemized statement of all expenditures made to date together with the names of persons receiving money out of said appropriated fund and the amount received by each person.*

**Request for Unanimous Consent.**

Mr. Yorty asked for, and was granted, unanimous consent to take up House Resolution No. 21, at this time, without reference to calendar.

House Resolution No. 21 read, and adopted.

**Senate Message.**

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 7, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

**Senate Concurrent Resolution No. 1**—Relative to the respect and esteem of the Legislature for the late Senator Harry A. Chamberlin.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

**Request for Unanimous Consent.**

Mr. Lyon asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 1, at this time, without reference to calendar.

**Consideration of Senate Concurrent Resolution No. 1.**

**Senate Concurrent Resolution No. 1**—Relative to the respect and esteem of the Legislature for the late Senator Harry A. Chamberlin.

Senate Concurrent Resolution No. 1 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Freed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Miller, Eleanor, Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peck, Pelletier, Reaves, Redwine, Richie, Rosenthal, Sawallisch, Sheehan, Stream, Tenny, Turner, Voigt, Walker, Watson, Weher, Welsh, Williamson, Yorty, and Mr. Speaker—67.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Introduction and Reference of Bills—(Resumed).**

The following bills were introduced:

**Assembly Bill No. 1:** By Messrs. Hawkins, Dannenbrink, Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Cronin, Crowley, Cunningham, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard,



Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, Jones, and Mrs. Daley, and Miss Miller—An act to provide that the property and bonds of housing authorities shall be exempt from taxation and assessments; to authorize certain payments in lieu of such taxes and assessments; and to provide that this act shall take effect immediately.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 2:** By Messrs Hawkins, Dannenbrink, Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Cronin, Crowley, Cunningham, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, Jones, and Mrs. Daley, and Miss Miller—An act to authorize cities, cities and counties, towns, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, cities and counties, towns, counties and other political subdivisions to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities, cities and counties, and counties to make an appropriation for the first year's administrative expenses of housing authorities; to authorize certain cities, cities and counties, towns and counties to pay moneys to housing authorities; and to declare an emergency.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 3:** By Messrs. Hawkins, Dannenbrink, Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Cronin, Crowley, Cunningham, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, Jones, and Mrs. Daley, and Miss Miller—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain, and to provide that this act shall take effect immediately.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 4:** By Messrs. Hawkins, Dannenbrink, Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Cronin, Crowley, Cunningham, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuehel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, Jones, and Mrs. Daley, and Miss Miller—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 5:** By Mr. Latham—An act to add Chapter IXa, consisting of sections 3857 to 3859.20, inclusive to Title IX of Part III of the Political Code, relating to property taxation.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 6:** By Messrs. Hornblower, Sheehan, Dawson, Williamson, Maloney, Levey, and McMurray—An act to amend an act entitled "An act providing for a State Exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay Region, California, in 1939, providing for the construction of a State Building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State Exhibit and building or buildings, defining its powers and duties and making an appropriation therefor" approved May 25, 1937.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 7:** By Messrs. Hornblower, Sheehan, Dawson, Williamson, Maloney, Levey, and McMurray—An act to amend sections 86, 87 and 89 of the Agricultural Code, relating to agricultural districts and including provision for leasing, letting and granting licenses for the use of property of such districts, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 8:** By Messrs. Mayo, Leonard, and Donnelly—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 9:** By Mr. Kepple—An act to amend the title of, and to add section 10 to, an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of contiguous territory thereto owned by the incorporated town or city desiring the annexation of the same, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of the annexed territory," approved June 13, 1933, relating to the annexation of contiguous territory to municipal corporations.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 10:** By Messrs. Dammbrink, Johnson, and Morgan—An act to amend sections 8, 9, 12, 25, 33, 38a, 39, 42, 49, 78, 83, 85a, 86, and 108 of, and to add sections 3a, 33a, 75a and 83b to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of employees of the University of California and making an appropriation therefor.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 11:** By Mr. Miller, Geo. P.—An act to amend section 18 of an act entitled "An act imposing an excise tax on the use in this State of fuel as defined herein providing for the issuance of permits to the users of such fuel, and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately," approved May 24, 1937, being Chapter 352 of the Statutes of 1937, to appropriate the moneys received in pursuance of said act.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 12:** By Mr. Redwine—An act to amend section 1143 of the Penal Code, relating to the fees of jurors.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 13:** By Messrs. Levey, Maloney, Sheehan, McMurray, Dawson, Williamson and Hornblower—An act to authorize the California Commission for the Golden Gate International Exposition to procure insurance.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 14:** By Mr. Glick—An act to amend sections 1, 2, 12, 17 and 20 of an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and



for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessment to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment of reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding," approved July 20, 1935, as amended, and validating refunding proceedings heretofore taken under said act, refunding assessments heretofore levied and refunding bonds heretofore issued under said act, and declaring the urgency of this act to take effect immediately.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 15:** By Mr. Glick—An act to amend sections 1, 2, 12 and 15 of the Assessment Bond Refunding Act of 1933, as amended, relating to the refunding of indebtedness of special improvement districts, the levy and enforcement of reassessments therefor, the issuance of refunding bonds, the contribution of public funds to assist in such refunding, and validating refunding proceedings heretofore taken, refunding reassessments heretofore levied, and refunding bonds heretofore issued, and declaring the urgency hereof to take effect immediately.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Joint Resolution No. 2:** By Mr. Levey—Relative to accepting a permit from the Government of the United States for the construction of a State highway, known as the Funston Avenue Approach, over certain rights of way and relating to the retrocession by the Congress of the United States of jurisdiction over the said rights of way.

Introduced, and ordered placed upon the calendar without reference to committee.

**Assembly Constitutional Amendment No. 1:** By Mr. Cunningham—Proposed amendment to Article VI of the Constitution by adding section 27 thereto, relative to the retirement of judges.

Introduced, and ordered placed upon the calendar without reference to committee.

#### **Guests Extended Privilege of Assembly Floor.**

On request of Mr. Burns, Michael J., the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Kenneth F. Layman, Charles Thunen and Kyle Guy of Del Norte County.

On request of Mr. McMurray, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to George Cabaniss, President of Young Democrats of San Francisco.

On request of Mr. Stream, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Chas. Davies, President, Twenty-second Agricultural District of San Diego.

On request of Mr. Welsh, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Lewis K. Gough,



Executive Secretary of General Alumni Association, University of Southern California.

On request of Mr. Andreas, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Bert Rosberry.

**Adjournment.**

At four o'clock and fifty minutes p.m., on motion of Mr. King, the Speaker declared the Assembly adjourned this day until ten o'clock a.m., Tuesday, March 8, 1938.

DAVID V. OLIVER, Minute Clerk.



**CALIFORNIA LEGISLATURE**  
**FIFTY-SECOND (EXTRAORDINARY) SESSION****ASSEMBLY DAILY JOURNAL****SECOND LEGISLATIVE DAY**  
**SECOND CALENDAR DAY****IN ASSEMBLY****ASSEMBLY CHAMBER,**  
**SACRAMENTO, TUESDAY, March 8, 1938.**

At ten o'clock a.m., pursuant to adjournment, the Assembly was called to order.

Hon. William Moseley Jones, Speaker of the Assembly, in the chair.  
Chief Clerk James G. Smyth at the desk.

**Roll Call.**

The roll was called, and the following members answered to their names:

Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Mehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—75.

Quorum present.

**Prayer.**

Prayer was offered by Rev. William F. Ehmann, Chaplain of the Assembly.

**Reading of the Journal Dispensed With.**

On motion of Mr. Thorp, the further reading of the Journal of Monday, March 7, 1938, was dispensed with.

**Leave of Absence for the Day.**

The following member was granted leave of absence for the day:  
Mr. O'Donnell, on motion of Mr. Turner.

**Resolution.**

The following resolution was offered:

By Mr. Peek:

**House Resolution No. 22.**

Relating to the rules of procedure for the extra session of 1938.

*Resolved by the Assembly of the State of California, That in addition to the Standing Rules of the Assembly of the Legislature for the fifty-second session, the following rule shall apply to and govern the proceedings of this, the extra session of 1938.*

102. All bills, joint resolutions, concurrent resolutions and house resolutions shall immediately upon their introduction be read the first time and placed on file in the order of their introduction without reference to any standing committee. Those bills and resolutions required to be printed shall immediately upon being read be ordered to print. Any item appearing upon the Daily Calendar shall, upon motion adopted by the vote of a majority of the members elected to the Assembly, be referred to the Committee of the Whole for consideration before final passage or final adoption.

**Motion for Temporary Suspension of Rules.**

Mr. Peek moved that the Rules be temporarily suspended for the purpose of considering House Resolution No. 22, at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

**AYES**—Baynham, Beene, Boyle, Breed, Burns, Hugh M., Call, Cassidy, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Mayo, McMurray, Meehan, Miller, Eleanor; Patterson, Peck, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Stream, Thorp, Turner, Voigt, Watson, Welsh, Williamson, Yorty, and Mr. Speaker—56.

**NOES**—None.

**Consideration of House Resolution No. 22.**

**House Resolution No. 22** read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Muldoon, Patterson, Peck, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Welsh, Williamson, Yorty, and Mr. Speaker—64.

**NOES**—None.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 1**—An act to provide that the property and bonds of housing authorities shall be exempt from taxation and assessments; to authorize certain payments in lieu of such taxes and assessments; and to provide that this act shall take effect immediately.

Bill read second time, and considered engrossed.

**Assembly Bill No. 2**—An act to authorize cities, cities and counties, towns, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, cities and counties, towns, counties and other political subdivisions to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities, cities and counties, and counties to make an appropriation for the first year's administrative expenses of housing authorities; to authorize certain cities, cities and counties, towns and counties to pay moneys to housing authorities; and to declare an emergency.

Bill read second time, and considered engrossed.

**Assembly Bill No. 3**—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain, and to provide that this act shall take effect immediately.

Bill read second time, and considered engrossed.

**Assembly Bill No. 4**—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency.

Bill read second time, and considered engrossed.



**Assembly Bill No. 5**—An act to add Chapter IXa, consisting of sections 3857 to 3859.20, inclusive to Title IX of Part III of the Political Code, relating to property taxation.

Bill read second time.

**Request for Unanimous Consent.**

Mr. Latham asked for, and was granted, unanimous consent to take up Assembly Bill No. 5, at this time, without reference to calendar, and that the same be considered engrossed.

**Case of Urgency.**

The following resolution was offered:

By Mr. Latham:

*Resolved*, That Assembly Bill No. 5 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Baynham, Beene, Boyle, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dawson, Dilworth, Donihue, Donnelly, Gannon, Garibaldi, Garland, Gilbert, Gliel, Hawkins, Heisinger, Hornblower, Johnson, Kepple, Kuehel, Latham, Laughlin, Leonard, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peck, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Welsh, Yorty, and Mr. Speaker—61.

**NOES**—None.

Whereupon the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 5, at this time.

**Motion to Defer Further Consideration of Assembly Bill No. 5.**

On motion of Mr. Latham, further consideration of Assembly Bill No. 5 was deferred.

**Assembly Bill No. 6**—An act to amend an act entitled "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay Region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937.

Bill read second time, and considered engrossed.

**Assembly Bill No. 7**—An act to amend sections 86, 87 and 89 of the Agricultural Code, relating to agricultural districts and including provision for leasing, letting and granting licenses for the use of property of such districts, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time, and considered engrossed.

**Assembly Bill No. 8**—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs.

Bill read second time, and considered engrossed.

**Assembly Bill No. 9**—An act to amend the title of, and to add section 10 to, an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of contiguous territory thereto owned by the incorporated town or city desiring the annexation of the same, and for the incorporation of such

annexed territory in and as a part of such municipality, and for the districting, government and municipal control of the annexed territory," approved June 13, 1933, relating to the annexation of contiguous territory to municipal corporations.

Bill read second time, and considered engrossed.

**Assembly Bill No. 10**—An act to amend sections 8, 9, 12, 25, 33, 38a, 39, 42, 49, 78, 83, 85a, 86, and 108 of, and to add sections 3a, 33a, 75a and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of employees of the University of California and making an appropriation therefor.

Bill read second time, and considered engrossed.

**Assembly Bill No. 11**—An act to amend section 18 of an act entitled "An act imposing an excise tax on the use in this State of fuel as defined herein providing for the issuance of permits to the users of such fuel, and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately," approved May 24, 1937, being Chapter 352 of the Statutes of 1937, to appropriate the moneys received in pursuance of said act.

Bill read second time.

#### Request for Unanimous Consent.

Mr. Miller asked for, and was granted, unanimous consent to take up Assembly Bill No. 11, at this time, without reference to calendar, and that the same be considered engrossed.

#### Case of Urgency.

The following resolution was offered:

By Mr. Miller:

*Resolved*, That Assembly Bill No. 11 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Flint, Fuleher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reeves, Richie, Robertson, Rosenthal, Sawalliseh, Sheehan, Stream, Tenney, Thorp, Voigt, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—65.

**NOES**—None.

Whereupon the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 11, at this time.

**Motion to Defer Further Consideration of Assembly Bill No. 11.**

On motion of Mr. Miller, further consideration of Assembly Bill No. 11 was deferred.

**Assembly Bill No. 12**—An act to amend section 1143 of the Penal Code, relating to the fees of jurors.

Bill read second time, and considered engrossed.

**Assembly Bill No. 13**—An act to authorize the California Commission for the Golden Gate International Exposition to procure insurance. Bill read second time, and considered engrossed.

**Assembly Bill No. 14**—An act to amend sections 1, 2, 12, 17 and 20 of an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bond and to enforce the lien of such assessments and reassessment, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment of reassessment proceedings and the use of the Bankrupt Laws of the United States of America in any refunding," approved July 20, 1935, as amended, and validating refunding proceedings heretofore taken under said act, refunding assessments heretofore levied and refunding bonds heretofore issued under said act, and declaring the urgency of this act to take effect immediately.

Bill read second time, and considered engrossed.

**Assembly Bill No. 15**—An act to amend sections 1, 2, 12 and 15 of the Assessment Bond Refunding Act of 1933, as amended, relating to the refunding of indebtedness of special improvement districts, the levy and enforcement of reassessments therefor, the issuance of refunding bonds, the contribution of public funds to assist in such refunding, and validating refunding proceedings heretofore taken, refunding reassessments heretofore levied, and refunding bonds heretofore issued, and declaring the urgency hereof to take effect immediately.

Bill read second time, and considered engrossed.

### Third Reading of Assembly Bills.

**Assembly Joint Resolution No. 2**—Relative to accepting a permit from the Government of the United States for the construction of a State highway, known as the Funston Avenue Approach, over certain rights of way and relating to the retrocession by the Congress of the United States of jurisdiction over the said rights of way.

Assembly Joint Resolution No. 2 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Flint, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, Kuehel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor J., Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Redwine, Riehle, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—67.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Constitutional Amendment No. 1**—Proposed amendment to Article VI of the Constitution by adding section 27 thereto, relative to the retirement of judges.

Assembly Constitutional Amendment No. 1 read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M. Call, Cassidy, Clark, Corwin, Crowley, Cunningham, Dannenbrink, Dawson, Dilworth, Field, Flint, Fulcher, Gannon, Garibaldi, Glick, Hawkins, Hornblower, Johnson, Kepple, Kuchel, Latham, Laughlin, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Peek, Reaves, Redwine, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Walker, Weber, Welsh, and Williamson—54.

**NOES**—Burns, Michael J., Donnelly, Garland, Gilbert, Heisinger, Hunt, Patterson, Pelletier, Richie, Voigt, Watson, Yorty, and Mr. Speaker—13.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Concurrent Resolution No. 1**—Relative to the study and investigation of the cost of aid.

Motion to Amend Assembly Concurrent Resolution No. 1.

Mr. Lyon moved to amend Assembly Concurrent Resolution No. 1 as follows:

**Amendment No. 1.**

On page 1, line 3, of the printed measure, after the word "State", insert the following: "are claiming that they".

**Amendment No. 2.**

On page 1 of the printed measure, strike out lines 6 to 14, inclusive, and insert in lieu thereof the following: "thereof; now, therefore, be it".

**Amendment No. 3.**

On page 2, line 46, of the printed measure, strike out "\$2,000", and insert in lieu thereof the following: "\$1,500".

**Amendment No. 4.**

On page 2, line 47, of the printed measure, strike out "\$1,000", and insert in lieu thereof the following: "\$500".

Amendments adopted.

**Request for Unanimous Consent.**

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 1, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Consideration of Assembly Concurrent Resolution No. 1, as Amended.**

**Assembly Concurrent Resolution No. 1**—Relative to the study and investigation of the cost of aid.

Motion to Amend Assembly Concurrent Resolution No. 1.

Mr. Heisinger moved to amend Assembly Concurrent Resolution No. 1 as follows:

**Amendment No. 1.**

On page 1, line 17, of the printed measure, strike out the word "five", and insert in lieu thereof the word "three".

**Amendment No. 2.**

On page 1, line 18, of the printed measure, strike out the word "five", and insert in lieu thereof the word "three".

Amendments read, and refused adoption by the following vote:

**AYES**—Boyle, Burns, Michael J., Donihue, Donnelly, Garland, Gilbert, Glick, Heisinger, Hunt, Miller, George P., Patterson, Rosenthal, Turner, Voigt, and Yorty—15.

**NOES**—Andreas, Baynham, Beene, Breed, Burns, Hugh M. Call, Cassidy, Clark, Corwin, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Field, Flint, Fulcher, Gannon, Garibaldi, Hawkins, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, O'Donnell, Pelletier, Reaves, Redwine, Richie, Robertson, Sawallisch, Sheehan, Stream, Tenney, Thorp, Walker, Watson, Weber, Welsh, Williamson, and Mr. Speaker—56.

Assembly Concurrent Resolution No. 1, as amended, read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M. Call, Corwin, Cottrell, Crowley, Cunningham, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington,



Morgan, Redwine, Richie, Sawallisch, Sheehan, Stream, Thorp, Walker, Weber, Welsh, Williamson, and Mr. Speaker—53.

NOES—Burns, Michael J., Cassidy, Clark, Daley, Garland, Kuchel, Lore, Muldoon, Patterson, Peck, Pelletier, Reaves, Robertson, Rosenthal, Tenney, Turner, Voigt, Watson, and Yorty—19.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

### Consideration of Assembly Bill No. 9.

#### Case of Urgency.

The following resolution was offered:

By Mr. Kepple:

*Resolved*, That Assembly Bill No. 9 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Call, Cassidy, Clark, Corwin, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, Patterson, Peck, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weher, Welsh, Yorty, and Mr. Speaker—69.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 9, at this time.

#### Third Reading of Assembly Bill No. 9.

**Assembly Bill No. 9**—An act to amend the title of, and to add section 10 to, an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of contiguous territory thereto owned by the incorporated town or city desiring the annexation of the same, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of the annexed territory," approved June 13, 1933, relating to the annexation of contiguous territory to municipal corporations.

Bill read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peck, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weher, Welsh, Williamson, and Yorty—72.

NOES—Mr. Speaker—1.

Title read and approved. Bill ordered transmitted to the Senate.

### Consideration of Assembly Bill No. 13.

#### Case of Urgency.

The following resolution was offered:

By Mr. Levey:

*Resolved*, That Assembly Bill No. 13 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Corwin, Crowley, Cunningham, Daley, Dannenbrink, Dawson,

Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fuleher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Pelletier, Reaves, Redwine, Richie, Robertson, Sawallisch, Sheehan, Stream, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, and Mr. Speaker—66.

NOES—Hunt, and Yorty—2.

Whereupon the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 13, at this time.

**Motion to Defer Further Consideration of Assembly Bill No. 13.**

On motion by Mr. Levey, further consideration of Assembly Bill No. 13 was deferred.

**Recess.**

At twelve o'clock, m., on motion of Mr. King, the Assembly was declared at recess until two o'clock, p.m., of this day.

**Reassembled.**

At two o'clock, p.m., the Assembly reconvened.  
Speaker Jones in the chair.

**Special Order.**

The hour of two o'clock, p.m., having arrived, the special order heretofore set for this hour was taken up for consideration.

**Hon. Geoffrey F. Morgan in the Chair.**

At two o'clock, p. m., Hon. Geoffrey F. Morgan, member of the Assembly from the Sixtieth District, in the chair.

After opening the memorial exercises with a few well-chosen words, Mr. Morgan called upon Rev. Win. F. Ehmann, Chaplain of the Assembly, who invoked the Divine blessing with an eloquent and scholarly prayer.

Mr. Morgan then read the resolution commemorating the death of the Honorable Thomas F. Finn, a former member of the Assembly, and introduced Mr. Maloney who paid tribute to the life and record of the deceased.

Proceeding in the same way, Miss Miller spoke in support of the resolution relating to the death of the late Honorable Frank G. Martin, and Mr. Cunningham paid tribute to the memory of his late friend and colleague, the Honorable Frank J. Waters.

Following this portion of the program, Mr. Morgan spoke briefly on behalf of the Assembly in extending sympathy and condolence to the Speaker, William Moseley Jones, on the recent passing of his mother, while Mr. Lyon performed a similar office in respect to Assemblyman Gordon Corwin's bereavement through the death of his wife, Mrs. Ethel Corwin.

The exercises were concluded with prayer by the Chaplain.

**The Speaker in the Chair.**

At two o'clock and forty-nine minutes, p.m., Honorable William Moseley Jones, Speaker of the Assembly, in the chair.

**Resolution.**

The following resolution was offered:

By Messrs. Maloney, Hornblower, Levey, Dawson, McMurray, Sheehan, and Williamson:

**House Resolution No. 23.**

Relating to the death of the Honorable Thomas F. Finn.

WHEREAS, Divine Providence has seen fit to remove from this earthly sphere of activity the Honorable Thomas F. Finn; and

WHEREAS, The Honorable Thomas F. Finn was a member of this Assembly, first being elected in 1901 and later elected to serve his district and State in the State Senate; and

WHEREAS, During his long and active service in this Legislature he endeared himself to the hearts of the members by his sterling character and qualities; and

WHEREAS, His many acts of kindness and his great charities during his entire life to those in need, and his help to the down and outers and poor unfortunates in San Francisco, won for him the love and affection of rich and poor alike; now, therefore, be it

*Resolved by the Assembly of the State of California*, That when the Legislature adjourns this day it do so out of respect to the memory of the late Honorable Thomas F. Finn; and be it further

*Resolved*, That the Chief Clerk be and he is hereby instructed to have prepared a suitable memorial resolution properly engrossed and mailed to the family of the deceased.

House Resolution No. 23 read, and unanimously adopted.

### Introduction and Reference of Bills.

The following bills were introduced:

**Assembly Concurrent Resolution No. 9:** By Miss Miller—Relative to the passing of the Honorable Frank G. Martin.

#### Request for Unanimous Consent.

Miss Miller asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 9, at this time, without reference to print or calendar, and that the same be considered engrossed.

#### Consideration of Assembly Concurrent Resolution No. 9.

**Assembly Concurrent Resolution No. 9**—Relative to the passing of the Honorable Frank G. Martin.

Assembly Concurrent Resolution No. 9 read, and unanimously adopted.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

#### Assembly Concurrent Resolution No. 9.

Relative to the passing of the Honorable Frank G. Martin.

WHEREAS, It was with profound regret and a deep sense of loss that the members of the Legislature learned of the death of the Honorable Frank G. Martin, a member of the Assembly, and

WHEREAS, The Honorable Frank G. Martin devoted his every effort to the best interests of the State and its people and, by his actions, typified the highest ideals and finest examples of public service; and

WHEREAS, The high ideals thus established and the finest examples thus set by the Honorable Frank G. Martin will continue to inspire the members of the Assembly and the Senate despite his passing; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the members of this, the fifty-second session of the Legislature, deeply regret the passing of the Honorable Frank G. Martin and desire by this simple statement to express their sympathy to those whose loss is even greater; and be it further

*Resolved*, That copies of this resolution, suitably inscribed, shall be delivered to the members of the family of the Honorable Frank G. Martin.

**Assembly Concurrent Resolution No. 10:** By Mr. Cunningham—Relative to the death of the Honorable Frank J. Waters.

#### Request for Unanimous Consent.

Mr. Cunningham asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 10, at this time, without reference to print or calendar, and that the same be considered engrossed.

#### Consideration of Assembly Concurrent Resolution No. 10.

**Assembly Concurrent Resolution No. 10**—Relative to the death of the Honorable Frank J. Waters.

Assembly Concurrent Resolution No. 10 read, and unanimously adopted.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

**Assembly Concurrent Resolution No. 10.**

Relative to the death of the Honorable Frank J. Waters.

WHEREAS, The Honorable Frank J. Waters has been removed from this sphere of life by Divine Providence; and

WHEREAS, The Honorable Frank J. Waters, through his fairness to both friend and foe, through his ceaseless desire to be sure of the rightness of his actions, and the justice of his cause, earned the respect and devotion of all who were associated with him; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That his fellow members, in special session assembled, do sincerely regret the passing of the Honorable Frank J. Waters and wish by this resolution to express their sympathies to Ida Waters, and to Frank J. Waters, Jr., Loughlin Waters, Ethel Waters, and Mary Waters for the loss of a devoted husband and loving father; and be it further

*Resolved,* That copies of this resolution, suitably inscribed, be presented to the members of the family of the Honorable Frank J. Waters.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 13**—An act to authorize the California Commission for the Golden Gate International Exposition to procure insurance.

Bill read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, Kuebel, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, George P., Millington, Morgan, Muldoon, Patterson, Pelletier, Reaves, Redwine, Riehie, Robertson, Sawallisch, Stream, Tenney, Thorp, Turner, Walker, Watson, Weber, Welsh, Williamson, and Mr. Speaker—60.

NOES—Yorty—1.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Joint Resolution No. 1**—Relative to memorializing the President and Congress to award the construction of naval vessels to the Pacific Coast shipyards.

Assembly Joint Resolution No. 1 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Hornblower, Hunt, Johnson, Kepple, Kuebel, Laughlin, Leonard, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor, Miller, George P., Millington, Muldoon, Patterson, Peek, Pelletier, Reaves, Riehie, Robertson, Rosenthal, Sawallisch, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—63.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Concurrent Resolution No. 2** Withdrawn and Stricken from the Calendar.

On motion of Mr. Lyon, Assembly Concurrent Resolution No. 2 was ordered withdrawn, and stricken from the calendar.

**Introduction and Reference of Bills—(Resumed).**

The following bills were introduced:

**Assembly Bill No. 16:** By Mr. Cunningham—An act to submit to the people at the general election in November, 1938, amendments proposed to the Constitution of the State of California by the extraordinary session of the Legislature, to take effect immediately.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 17:** By Mr. Patterson—An act relating to certain State lands, providing for the extraction of oil and gas therefrom by the State and for the sale and disposal of such oil and gas, author-



izing the exercise of the power of eminent domain for the purposes specified in this act, and making an appropriation.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 18:** By Mr. Reaves—An act making an appropriation to the State Relief Commission or its successor, for the construction of an armory and civic center.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 19:** By Mr. Garibaldi—An act to amend section 9.18 of the Building and Loan Association Act, relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 20:** By Messrs. Robertson, Hunt, Flint, Redwine, Latham and O'Donnell, and Mrs. Daley—An act relating to lands owned by the State; reserving all minerals and all oil and gas in State lands; providing for prospecting for and taking such minerals and for the extraction and removal of oil and gas therefrom; providing for the acquisition by purchase or condemnation of interests in privately owned lands to facilitate the operations provided for or contemplated by this act; creating a State Lands Commission, prescribing its powers and duties, and transferring to and vesting in the State Lands Commission the administration of and jurisdiction over State lands; repealing acts or parts of acts in conflict herewith; and making an appropriation.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 21:** By Messrs. Robertson and Lore—An act to amend the Welfare and Institutions Code by adding section 103.5 thereto, relating to the establishment of personnel standards in the administration of aid to the needy aged, the needy blind and needy children, providing for the enforcement thereof, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 22:** By Mr. Field—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817e6, and 3817k thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 23:** By Messrs. O'Donnell, Corwin, and Garland—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission;

prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Constitutional Amendment No. 2:** By Mr. Desmond—Proposed amendment to Article XVI of the Constitution by adding section 11 thereto, relative to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare.

Introduced, and ordered placed upon the calendar without reference to committee.

**Assembly Concurrent Resolution No. 8:** By Mr. Patterson—Relative to permanent flood control.

Introduced, and ordered placed upon the calendar without reference to committee.

**Assembly Joint Resolution No. 3:** By Mr. Heisinger—Relative to memorializing and petitioning the President of the United States and the Congress to enact legislation providing mediation and arbitration of labor disputes.

Introduced, and ordered placed upon the calendar without reference to committee.

**Assembly Joint Resolution No. 4:** By Messrs. Kuchel and Watson—Relative to relief of hardship and destitution caused by floods.

**Request for Unanimous Consent.**

Mr. Kuchel asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 4, at this time, without reference to print or calendar, and that the same be considered engrossed.

**Consideration of Assembly Joint Resolution No. 4.**

**Assembly Joint Resolution No. 4**—Relative to relief of hardship and destitution caused by floods.

Assembly Joint Resolution No. 4 read, and adopted.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

**Assembly Joint Resolution No. 5:** By Mr. Andreas—Relative to memorializing the President and the Congress of the United States to make available Federal funds for flood relief.

Introduced, and ordered placed upon the calendar without reference to committee.

**Resolution.**

The following resolution was offered:

By Mr. Boyle:

**House Resolution No. 24.**

Relative to the financial condition of the State.

WHEREAS, The Legislature of this State has been called into extraordinary session by the Governor of this State; and

WHEREAS, In said call there appear to be measures to be considered which contain appropriations or authorize expenditures far in excess of \$11,000,000; and

WHEREAS, Other measures to be considered may substantially affect the revenues of this State; and

WHEREAS, The responsibility of the members of this Legislature for the sound financial condition of the State can not properly be discharged without accurate and complete information as to the present condition of the funds of this State, both general and special, with respect to the present and future adequacy of such funds in view of appropriations already made and expenditures already authorized; now, therefore, be it

*Resolved by the Assembly of the State of California*, That it hereby calls upon the Governor and the Controller of this State, and each of them, to furnish to it a complete statement of the present financial condition of the State within 24 hours and an estimate of the revenues to be reasonably anticipated for the remainder of this biennium.

#### Request for Unanimous Consent.

Mr. Boyle asked for, and was granted, unanimous consent to take up House Resolution No. 24, at this time, without reference to calendar.

House Resolution No. 24 read and adopted.

#### Request for Unanimous Consent.

Mr. Reaves asked for, and was granted, unanimous consent to take up House Resolution No. 10, at this time, without reference to calendar.

#### Consideration of House Resolution No. 10.

House Resolution No. 10—Relative to the widening of the State highway running from Los Angeles to Manteca and there forking to Sacramento and Oakland.

House Resolution No. 10 read and adopted.

#### Introduction and Reference of Bills—(Resumed).

The following bill was introduced:

Assembly Concurrent Resolution No. 11: By Mr. Andreas—Relative to calling a special session to provide legislation for reimbursing private persons and public agencies for loss and damage sustained by them during the recent floods.

#### Request for Unanimous Consent.

Mr. Andreas asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 11, at this time, without reference to print or calendar, and that the same be considered engrossed.

#### Consideration of Assembly Concurrent Resolution No. 11.

Assembly Concurrent Resolution No. 11—Relative to calling a special session to provide legislation for reimbursing private persons and public agencies for loss and damage sustained by them during the recent floods.

Assembly Concurrent Resolution No. 11 read, and adopted by the following vote:

AYES—Andreas, Burns, Hugh M. Call, Cassidy, Corwin, Crowley, Cunningham, Daanenhrink, Dawson, Donihue, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, King, Laughlin, Levey, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Patterson, Peck, Pelletier, Reaves, Richie, Sawallisch, Sheehan, Voigt, Walker, Welsh, Yorty, and Mr. Speaker—42.

NOES—Breed, Dilworth, Donnelly, Heisinger, Johnson, Leonard, Lore, Mayo, Robertson, Stream, and Thorp—11.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

#### Resolution.

The following resolution was offered:

By Mr. Meehan: House Resolution No. 25A.

#### Relative to resolutions.

WHEREAS, At this time of the year the tides of ambition often rise high in a man's heart and he bares his chest to the thorns of the multitude and offers to sacrifice himself to the service of his fellow man; and

WHEREAS, A delusion exists that a modest but effective method of attracting the attention of a long suffering people, his masters, to his supreme sacrifice is to offer resolution upon resolution in their behalf; and for their benefit and consumption; now, therefore, be it

*Resolved by the Assembly of the State of California,* That each member of this Assembly, whether he be ambitious or no, be and he is hereby respectfully requested to offer not more than 12 resolutions as evidence of his unswerving devotion to the cause of man.

House Resolution No. 25A ordered printed in the Journal.

### **Introduction and Reference of Bills—(Resumed).**

The following bills were introduced:

**Assembly Concurrent Resolution No. 12:** By Messrs. Richie, Tenney, and King—Relative to granting a full and complete pardon to Thomas J. Mooney.

Introduced, and ordered placed upon the calendar without reference to committee.

**Assembly Concurrent Resolution No. 13:** By Messrs. Richie, Tenney, Meehan, and King—Relative to requesting the Governor to grant a full and complete pardon to Thomas J. Mooney.

Introduced, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 24:** By Messrs. Kuehel, Andreas, Corwin, Cunningham, Dilworth, Field, Kepple, Morgan, Watson, Weber, Desmond, and Millington—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 25:** By Messrs. Kuehel, Andreas, Corwin, Cunningham, Dilworth, Field, Kepple, Morgan, Watson, Weber, Desmond, and Millington—An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled "An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes therein specified.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 26:** By Messrs. Patterson, Heisinger, Cassidy, Dannenbrink, and Meehan—An act to regulate the issuance of bonds of the California Toll Bridge Authority for or in connection with the San Francisco-Oakland Bay Bridge, and making an appropriation to secure the payment of interest on, and the redemption of, such bonds.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 27:** By Mr. Field—An act to repeal section 3897 of the Political Code and to add thereto Chapter Villa, consisting of sections 3833 to 3836.2, relating to sale of tax-deeded lands.

Bill read first time, and ordered placed upon the calendar without reference to committee.



**Consideration of Assembly Bill No. 8.****Case of Urgency.**

The following resolution was offered:

**By Mr. Mayo:**

*Resolved*, That Assembly Bill No. 8 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Breed, Burns, Hugh M., Call, Cassidy, Corwin, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Gannon, Garibaldi, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Sawallisch, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Watson, Weber, Welsh, Yorty, and Mr. Speaker—62.

**NOES**—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 8, at this time.

**Third Reading of Assembly Bill No. 8.**

**Assembly Bill No. 8**—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs.

**Motion to Amend Assembly Bill No. 8.**

Mr. Mayo moved to amend Assembly Bill No. 8 as follows:

**Amendment No. 1.**

On page 1 of the printed bill, strike out all of lines 11 to 15, inclusive, and insert in lieu thereof the following: "determined. The county or district agricultural association".

**Amendment No. 2.**

On page 1 of the printed bill, strike out all of line 22, and insert in lieu thereof the following: "Such money may be expended for premiums, capital outlay, including purchase of land, construction, improvements, equipment, or other purposes for the encouragement".

**Amendment No. 3.**

On page 2 of the printed bill, between lines 24 and 25, add the following: "The Department of Finance shall prescribe rules and regulations for the judging of exhibits, and the maximum amount of premiums which may be offered and paid for all classes, sections, and types of exhibits. No fair shall receive any apportionment of funds under this section unless it complies with such rules and regulations."

Amendments adopted.

**Request for Unanimous Consent.**

Mr. Mayo asked for, and was granted, unanimous consent to take up Assembly Bill No. 8, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Consideration of Assembly Bill No. 8, as Amended.**

**Assembly Bill No. 8**—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs.

Assembly Bill No. 8, as amended, read third time, and passed by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cunningham, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Thorp, Turner, Weber, Welsh, Yorty, and Mr. Speaker—66.

**NOES**—None.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

### Assembly Bills Nos. 1, 2, 3 and 4 Considered in Committee of the Whole.

On motion of Mr. Hawkins, Assembly Bills Nos. 1, 2, 3, and 4 were considered in the Committee of the Whole.

#### Consideration of Assembly Bill No. 1.

##### Case of Urgency.

The following resolution was offered:

By Mr. Hawkins:

*Resolved*, That Assembly Bill No. 1 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Corwin, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—71.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 1, at this time.

##### Third Reading of Assembly Bill No. 1.

**Assembly Bill No. 1**—An act to provide that the property and bonds of housing authorities shall be exempt from taxation and assessments; to authorize certain payments in lieu of such taxes and assessments; and to provide that this act shall take effect immediately.

Urgency clause read and adopted by the following vote:

AYES—Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Corwin, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—66.

NOES—None.

Assembly Bill No. 1 read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—71.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

#### Consideration of Assembly Bill No. 2.

##### Case of Urgency.

The following resolution was offered:

By Mr. Hawkins:

*Resolved*, That Assembly Bill No. 2 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is

hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—71.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 2, at this time.

### Third Reading of Assembly Bill No. 2.

**Assembly Bill No. 2**—An act to authorize cities, cities and counties, towns, counties, and other public bodies to aid housing projects of housing authorities or of the United States of America by furnishing parks, playgrounds, streets, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid; to authorize cities, cities and counties, towns, counties and other political subdivisions to contract with respect to the sums to be paid them for improvements, services and facilities to be provided for the benefit of housing projects; to require certain cities, cities and counties, and counties to make an appropriation for the first year's administrative expenses of housing authorities; to authorize certain cities, cities and counties, towns and counties to pay moneys to housing authorities; and to declare an emergency.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—71.

NOES—None.

Assembly Bill No. 2 read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—72.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Consideration of Assembly Bill No. 3.

#### Case of Urgency.

The following resolution was offered:

By Mr. Hawkins:

*Resolved*, That Assembly Bill No. 3 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is

hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—72.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 3, at this time.

### Third Reading of Assembly Bill No. 3.

**Assembly Bill No. 3**—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain, and to provide that this act shall take effect immediately.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—72.

NOES—None.

Assembly Bill No. 3 read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—71.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Resolution.

The following resolution was offered:

By Committee on Attaches:

#### House Resolution No. 25B.

*Resolved*, That the following named persons be, and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, and the Controller is hereby directed to draw his warrants in favor of the said persons for the said amounts, and the Treasurer is hereby directed to pay the same:

Commencing March 7, 1938—	Per day
Jack Carl Greenburg, Assistant Chief Clerk.....	\$9 00
David Oliver, Minute Clerk.....	9 00
Delwin W. Smith, Sergeant-at-Arms.....	8 00
E. A. Took Berry, Assistant Clerk.....	7 00
C. W. Booth, Assistant Clerk.....	7 00
Juanita Dependene, Chief Stenographer.....	6 00
Cristel Hastings, Secretary to Chief Clerk.....	5 00
Sam McCance, Assistant Sergeant-at-Arms.....	5 00
Harold MacKenzie, Page.....	2 50
Wm. Murphy, Page.....	2 50



## Commencing March 8, 1938—

	Per day
Jacqueline Morgan, Stenographer-----	\$5 00
Joe Moloney, Assistant Sergeant-at-Arms-----	5 00
Wm. Gavin, Assistant Sergeant-at-Arms-----	5 00
Ernest Debs, Assistant Sergeant-at-Arms-----	5 00
Bert Roseberry, Assistant Sergeant-at-Arms-----	5 00

**House Resolution No. 25B** read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, King, Kuchel, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor, Miller, George P., Millington, Morgan, Muldoon, Patterson, Peck, Pelletier, Reaves, Redwine, Richie, Rosenthal, Sawallisch, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—63.

NOES—None.

**Third Reading of Assembly Bill No. 11.**

**Assembly Bill No. 11**—An act to amend section 18 of an act entitled "An act imposing an excise tax on the use in this State of fuel as defined herein providing for the issuance of permits to the users of such fuel, and for the levy, assessment and collection of such tax, prescribing penalties for violation of the provisions hereof and providing that this act shall take effect immediately," approved May 24, 1937, being Chapter 352 of the Statutes of 1937, to appropriate the moneys received in pursuance of said act.

Bill read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor, Miller, George P., Morgan, Muldoon, Patterson, Peck, Pelletier, Reaves, Redwine, Robertson, Sawallisch, Sheelan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Williamson, Yorty, and Mr. Speaker—67.

NOES—Fulcher—1.

Title read and approved. Bill ordered transmitted to the Senate.

**Resolution.**

The following resolution was offered:

By Mr. Andreas:

**House Resolution No. 26.**

WHEREAS, The recent storms and floods in southern California have completely washed out that part of the Camp Baldy Road located in Los Angeles County; and WHEREAS, More than 90 families in the region have long depended upon this road as their one means of vehicular communication with the rest of the State; and

WHEREAS, It is absolutely imperative that the road be immediately rebuilt in its former location if the people dependent thereon are to resume their normal pursuits and mode of living; now, therefore, be it

*Resolved by the Assembly of the Legislature of the State of California, That the Governor and the State Highway Commission are hereby respectfully requested to allocate sufficient funds for and to bend their utmost efforts towards the complete and immediate restoration on its old site of that part of the Camp Baldy Road located in Los Angeles County.*

**Request for Unanimous Consent.**

Mr. Andreas asked for, and was granted, unanimous consent to take up House Resolution No. 26, at this time, without reference to calendar.

**House Resolution No. 26** read and adopted.

**Motion to Set Hours for Convening of Assembly.**

Mr. Morgan moved that the Assembly convene each day at ten o'clock a.m., two o'clock p.m., and eight o'clock and thirty minutes p.m., starting Wednesday, March 9, 1938.

Motion carried.

### Resolutions.

The following resolutions were offered:

By Mr. Welsh:

#### House Resolution No. 27.

Relating to the appointment of an Assembly interim committee to be known as the Public Employees' Welfare Committee to investigate the disregard of State, county and city civil service provisions.

WHEREAS, It has been charged that in the various cities and counties of this State and in particular with relation to public safety employees, such as employees of the police and fire departments, there have been flagrant violations and circumventions of the various civil service provisions of statutes, ordinances and charters; and

WHEREAS, Such practices are obviously destructive of the efficiency and morale of such employees; and

WHEREAS, Such conditions should be investigated in order that they may be corrected as speedily as possible; and

WHEREAS, It may be found during the course of investigation that the constitutional and statutory provisions relating to civil service systems other than those above mentioned should also be investigated, and that the investigation proposed by this resolution be not too closely confined; now, therefore, he it

*Resolved by the Assembly of the State of California.* That an Assembly interim committee to be called the Public Employees' Welfare Committee be created to consist of three members to be appointed by the Speaker of the Assembly; and he it further

*Resolved,* That the sum of \$500 is hereby appropriated and set aside from the contingent fund of the Assembly for the purpose of paying the expenses of the committee including costs of any records and transcriptions, expenses of members and mileage, and for the paying of expenses of necessary assistants of said committee, the said money to be disbursed upon the certification of the chairman of the committee upon warrants drawn by the Controller upon the Treasurer; and he it further

*Resolved,* That the committee upon the appointment of its members shall organize, appoint a secretary and may employ such clerical, legal and technical assistance and adopt such rules as may appear necessary and proper to carry out the powers granted and duties imposed under this resolution; and he it further

*Resolved,* That the committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and be it further

*Resolved,* That the members of the committee are and each of them is hereby authorized and empowered to administer oaths, and that all of the provisions of Article VIII, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and the committee thereof, shall apply to the committee authorized under this resolution; and be it further

*Resolved,* That the Sergeant-at-Arms of the Assembly, or other person designated by him, is hereby directed to serve any and all subpoenas, orders and other processes that may be issued by such committee when directed to do so upon a vote of the majority of the members of said committee; and be it further

*Resolved,* That the committee investigate the administration of all civil service systems in the State and in particular the civil service system of cities and counties with a special reference to public safety employees, such as police and fire department employees, and shall recommend such legislation as is necessary to correct any abuses so found and to better the working conditions of employees; and be it further

*Resolved,* That all officers of this State and the heads of each and every department, agency and subdivision thereof, and that all county, township and municipal officers and all employees of all such officers, and all county, township and city departments shall give and furnish to the committee upon request such information, records, and documents as the committee deems necessary or proper; and he it further

*Resolved,* That the committee is authorized and empowered to make a final report of the results of its work and of its recommendations for proposed legislation to the Legislature during the January part of the fifty-third session thereof.

House Resolution No. 27 ordered printed in the Journal.

By Mr. King:

#### House Resolution No. 28.

WHEREAS, Assembly Bill No. 2059, providing for the mandatory fingerprinting of all automobile drivers was rejected in committee at the 1937 session of the Legislature; and

WHEREAS, Despite such rejection, the Division of Drivers Licenses of the Department of Motor Vehicles, on or about August 27, 1937, began taking the thumbprints of applicants for operators' and chauffeurs' licenses; and

WHEREAS, The department adopted a form of license application hearing a specifically designated place for the applicant's thumbprint; and

WHEREAS, Said form was calculated to mislead motorists into believing that they had to submit to giving their thumbprints as a legal requirement; and

WHEREAS, Applicants for licenses were not informed that the taking of the prints was optional, unless they raised objections thereto; and

WHEREAS, Such thumbprinting procedure was, in effect, an attempt to do indirectly that which the Legislature refused to authorize the Department of Motor Vehicles to do directly; and

WHEREAS, On or about February 26th, after repeated protests by automobile clubs, numerous labor organizations and other groups, the Department of Motor Vehicles finally posted signs in various branch offices to advise motorists that thumbprinting is purely voluntary; and

WHEREAS, Such fingerprinting of automobile drivers is a step in the direction of universal fingerprinting; and

WHEREAS, Compulsory fingerprinting opens the way to the un-American practice of police surveillance of every member of the community; and

WHEREAS, Organized labor has consistently opposed fingerprinting as an instrument of oppression that can be used to hobble the free movement and activities of working men and women; and

WHEREAS, Organized labor associates fingerprinting with the iniquitous black-list and frame-up systems; and

WHEREAS, Automobile clubs, the labor movement, including both the A. F. of L. and the C. I. O., and liberal and progressive organizations have gone on record opposing any fingerprinting or thumbprinting of applicants for drivers' and chauffeurs' licenses; and

WHEREAS, It has been shown that setting up such a fingerprinting plan and properly classifying fingerprints would involve an initial expense of about \$1,000,000 and \$500,000 a year thereafter, to be borne by the motoring public; and

WHEREAS, The Department of Motor Vehicles has not attempted to classify the thumbprints it has taken; and

WHEREAS, Fingerprinting has little or no merit, so far as the safe operation of motor vehicles is concerned; now, therefore, be it

*Resolved*, That the Assembly condemns the procedure by the Department of Motor Vehicles of taking thumbprints of applicants for drivers' and chauffeurs' licenses; and he it further

*Resolved*, That Governor Frank F. Merriam and Ray Ingels, Director of the Department of Motor Vehicles, be requested to abate said practice without delay.

House Resolution No. 28 ordered printed in the Journal.

By Messrs. Richie, Tenney, King, Sawallisch, Cassidy, and Meehan:

House Resolution No. 29.

WHEREAS, Legislative proposals are pending before the Assembly of the State of California; and

WHEREAS, Thomas J. Mooney and Court Smith are possessed of certain information which will enable the Assembly properly to exercise its legislative functions at this extraordinary session of the Legislature and at succeeding sessions thereof; and

WHEREAS, Section 300 of the Political Code of California authorizes the Speaker of the House to issue subpoenas requiring the attendance of any witnesses before the Assembly or any committee thereof; now, therefore, be it

*Resolved by the Assembly of the State of California*, That Thomas J. Mooney and Court Smith are hereby requested and directed to appear before the Assembly or any committee thereof which may be properly designated by the Assembly on the tenth day of March, 1938, and to give such testimony as may be necessary properly to enable the Assembly to exercise its legislative functions at this extraordinary session and at any succeeding session, and he it further

*Resolved*, That the Speaker of the Assembly is hereby directed to issue a subpoena in accordance with section 300 of the Political Code, addressed to Thomas J. Mooney and Court Smith, requiring said persons and each of them to appear before the Assembly or any committee thereof which may be designated by the Assembly on the tenth day of March, 1938, and he it further

*Resolved*, That the Sergeant-at-Arms of the Assembly is hereby directed to serve the subpoena issued by the Speaker of the Assembly upon Thomas J. Mooney and Court Smith on or before the ninth day of March, 1938, and be it further

*Resolved*, That the members of the Senate of the State of California are invited by the Assembly to appear before the Assembly and to interrogate and question Thomas J. Mooney and Court Smith in the same manner and to the same extent as the members of the Assembly are authorized to interrogate and question such persons.

## Request for Unanimous Consent.

Mr. Richie asked for, and was granted, unanimous consent to take up House Resolution No. 29, at this time, without reference to calendar.

**House Resolution No. 29** read, and adopted by the following vote:

AYES—Andreas, Boyle, Burns, Michael J., Cassidy, Clark, Dannenbrink, Dawson, Donihue, Flint, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, King, Lore, Maloney, McMurray, Meehan, Miller, George P., Patterson, Peck, Pelletier, Reeves, Richie, Robertson, Rosenthal, Sawallisch, Tenney, Voigt, Watson, Weber, Welsh, Yorty, and Mr. Speaker—36.

NOES—Baynham, Beene, Breed, Burns, Hugh M., Call, Corwin, Cunningham, Desmond, Dilworth, Donnelly, Field, Fulcher, Gannon, Garibaldi, Heisinger, Johnson, Kepple, Kuchel, Leonard, Lever, Lyon, Mayo, Miller, Eleanor; Millington, Morgan, Redwine, Stream, Turner, Walker, and Williamson—30.

By Messrs. Desmond, Gannon, and Maloney:

**House Resolution No. 30.**

Relative to the recovery and return to duty of Captain of the Guard, William J. Ryan, of Folsom Prison.

WHEREAS, Captain of the Guard, William J. Ryan, of Folsom Prison, on September 19, 1937, played a courageous part in frustrating the escape of eight desperate convicts; and

WHEREAS, Armed only with a wooden cane, Captain Ryan gave battle to five of the convicts singlehanded until he went down fighting with his lungs punctured in three different places; and

WHEREAS, It has been reported that Captain Ryan has completely recovered from his injuries and is again carrying on as a devoted and loyal servant of the State; now, therefore, be it

*Resolved by the Assembly of the State of California*, That it hereby extends its warmest congratulations to Captain Ryan upon his recovery and return to duty; and be it further

*Resolved*, That when it recesses this day it do so out of homage to the heroism of Captain Ryan and with the devout hope that he will long remain in the public service; and be it further

*Resolved*, That the Chief Clerk be and he is hereby instructed to have prepared and to forward to Captain Ryan an engrossed copy of this resolution.

## Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to take up House Resolution No. 30, at this time, without reference to calendar.

**House Resolution No. 30** read, and unanimously adopted.

By Messrs. Desmond, Gannon, and Maloney:

**House Resolution No. 31.**

Relative to the heroism of Guards H. E. Martin and James Kearns of Folsom State Prison.

WHEREAS, During a riot at Folsom State Prison on September 19, 1937, Guards H. E. Martin and James Kearns together made an heroic attempt to rescue Warden Clarence E. Larkin and Captain of the Guard William J. Ryan from the hands of seven armed convicts; and

WHEREAS, As a consequence of their display of bravery Guard Martin lost his life and Guard Kearns suffered severe bodily injury; and

WHEREAS, Their action can not be commended in words more significant than those of Warden Larkin, who said: "I can not give too much credit to the prison guards who rushed in there with their canes and prevented the men from rushing the gates"; and

WHEREAS, The people of the State of California sincerely appreciate the sacrifice of Guard Martin and regret his untimely passing; now, therefore, be it

*Resolved by the Assembly of the State of California*, That when it recesses this day it do so out of respect to the memory of the late H. E. Martin and in homage to the gallantry of James Kearns; and be it further

*Resolved*, That the Chief Clerk be and he is hereby instructed to have prepared and to forward to the family of the late H. E. Martin and to James Kearns engrossed copies of this resolution.

## Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to take up House Resolution No. 31, at this time, without reference to calendar.

**House Resolution No. 31**, read, and unanimously adopted.



By Messrs. Desmond, Gannon and Maloney:

**House Resolution No. 32.**

Relative to the death of Warden Clarence E. Larkin.

WHEREAS, On September 24, 1937, the Supreme Being removed from our midst Warden Clarence E. Larkin, of Folsom Prison; and

WHEREAS, Warden Clarence E. Larkin's premature demise resulted from wounds inflicted upon him by eight vicious convicts when he refused to assist them in their break for freedom on September 19, 1937; and

WHEREAS, Warden Larkin made a noble and unselfish sacrifice for the public weal, in keeping with the vow which he made when he assumed the wardenship in April, 1936, when he said: "Any prisoner who escapes from this place while I am here will go out over my dead body"; and

WHEREAS, In his death the inmates of Folsom Prison have lost a fair disciplinarian and friend, his family a beloved and irreplaceable member, and the State a courageous public servant; now, therefore, be it

*Resolved by the Assembly of the State of California*, That when it recesses this day it do so in respect to the memory of the late Clarence E. Larkin; and be it further

*Resolved*, That it extend its heart-felt sympathy to his family and to others who were near and dear to him, and that the Chief Clerk be and he is hereby instructed to have prepared and to forward to his bereaved family an engrossed copy of this resolution.

**Request for Unanimous Consent.**

Mr. Desmond asked for, and was granted, unanimous consent to take up House Resolution No. 32, at this time, without reference to calendar.

**House Resolution No. 32** read, and unanimously adopted.

By Messrs. Desmond, Gannon and Maloney:

**House Resolution No. 33.**

Relative to the death of Guard Willard H. Johnson of Folsom Prison.

WHEREAS, On February 24, 1938, Guard Willard H. Johnson was beaten fatally by a crazed convict in the Folsom Prison rock quarry; and

WHEREAS, In his death his wife and children have lost a loving husband and father and the State a loyal and devoted servant; now, therefore, be it

*Resolved by the Assembly of the State of California*, That when it recesses this day it do so out of respect to the memory of the late Willard H. Johnson; and be it further

*Resolved*, That the Chief Clerk be and he is hereby instructed to have prepared and to forward to the family of the deceased an engrossed copy of this resolution.

**Request for Unanimous Consent.**

Mr. Desmond asked for, and was granted, unanimous consent to take up House Resolution No. 33, at this time, without reference to calendar.

**House Resolution No. 33** read, and unanimously adopted.

By Messrs. Flint and Hunt:

**House Resolution No. 34.**

Relative to memorializing Congress to take definite action toward determining the ownership of tide and submerged lands in the State of California.

WHEREAS, The Legislature of the State of California is informed that there is pending before the Congress of the United States a measure or measures purporting to assert a claim of title in the Federal Government to the tide and submerged lands of this State, and particularly title to oil, gas, and other mineral deposits in said tide and submerged lands; and

WHEREAS, The State of California, believing that it is the owner of such tide and submerged lands and the oil and gas and mineral deposits therein, is about to enter into obligations and to incur expenses in connection therewith which will result in a substantial loss to the State if it should be later determined that the State does not have title thereto; and

WHEREAS, The uncertainty arising out of the possibility of an attack upon the title of the State of California to such lands or to the deposits therein may seriously hamper the endeavor of the State to obtain for its people a maximum return from the extraction and removal of such deposits, which would result in a gross injustice to the State of California if it is ultimately determined that the title of the State to such lands and deposits is valid; now, therefore, be it

*Resolved by the Assembly of the State of California*, That the Assembly of the State of California hereby memorializes the Congress of the United States to act expeditiously in this matter and that it either take such steps as may be necessary

to determine the title to said tide and submerged lands and deposits of oil and gas and other minerals therein at the earliest possible date, or that it adopt an appropriate measure disclaiming any claim of title therein on the part of the Federal Government; and be it further

*Resolved*, That a copy of this resolution be transmitted to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members from California are hereby respectfully urged to take such action as may be necessary to effectuate the purposes of this resolution and to protect the interests of the State of California.

House Resolution No. 34 ordered printed in the Journal.

### **Guests Extended Privilege of Assembly Floor.**

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Hon. Daniel J. Murphy, Sheriff of the City and County of San Francisco.

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Hon. Harry Boivin, Speaker of the House of Representatives of the State of Oregon.

On request of the Alameda County delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Prof. A. P. Lerner of the London School of Economics, Rockefeller Fellow in the United States.

On request of Mr. Garland, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Harlan of Riverdale.

On request of Mr. Voigt, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Edward Kleiner, attorney at law, of Los Angeles.

On request of Mr. Cassidy, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. Raymond M. Coover and Mr. Jack A. Coover of San Leandro.

On request of the Alameda County delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. Clyde Sherwood.

On request of Mr. Gannon, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Lena B. Everett, teacher, and the following eighth grade students of Stanford Junior High School: Jack Atkinson, Harold Bishop, Edsel Brady, Marjorie Brenner, Jean Bogue, Ailee Cavins, Basil Clark, Dorothy Colard, Daniel Coughlin, Ernest Johnson, Albert Manich, Boyd McCullough, Bob Moore, Carl Moore, Anita Morris, Norma Jean Payne, Lauretta Purcell, Thelma Renner, Walter Rule, Audrey Savage, Felice Seybold, Alex Shilen, Gordon Thomas, Barbara Jean Williams, and Doris Williams.

### **Adjournment.**

At five o'clock p.m., on motion of Mr. King, the Speaker declared the Assembly adjourned this day until ten o'clock a.m., Wednesday, March 9, 1938, in respect to the memory of the late Warden Clarence E. Larkin, and Guards H. E. Martin and Willard H. Johnson; also in homage to the heroism of Captain of the Guard William J. Ryan and Guard James Kearns.

DAVID V. OLIVER, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
FIFTY-SECOND (EXTRAORDINARY) SESSION**ASSEMBLY DAILY JOURNAL**THIRD LEGISLATIVE DAY  
THIRD CALENDAR DAY**IN ASSEMBLY**ASSEMBLY CHAMBER,  
SACRAMENTO, Wednesday, March 9, 1938.

At ten o'clock a.m., pursuant to adjournment, the Assembly was called to order.

Hon. William Moseley Jones, Speaker of the Assembly, in the chair.  
Chief Clerk James G. Smyth at the desk.

**Roll Call.**

The roll was called, and the following members answered to their names:

Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—75.

Quorum present.

**Prayer.**

Prayer was offered by Rev. William F. Ehmann, Chaplain of the Assembly.

**Reading of the Journal Dispensed With.**

On motion of Mr. Heisinger, the further reading of the Journal of Tuesday, March 8, 1938, was dispensed with.

**Leave of Absence for the Day.**

The following member was granted leave of absence for the day:  
Mr. O'Donnell, on motion of Mr. Turner.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 16**—An act to submit to the people at the general election in November, 1938, amendments proposed to the Constitution of the State of California by the extraordinary session of the Legislature, to take effect immediately.

Bill read second time, and considered engrossed.

**Assembly Bill No. 17**—An act relating to certain State lands, providing for the extraction of oil and gas therefrom by the State and for the sale and disposal of such oil and gas, authorizing the exercise of the power of eminent domain for the purposes specified in this act, and making an appropriation.

Bill read second time, and considered engrossed.

**Assembly Bill No. 18**—An act making an appropriation to the State Relief Commission or its successor, for the construction of an armory and civic center.

Bill read second time, and considered engrossed.

**Assembly Bill No. 19**—An act to amend section 9.18 of the Building and Loan Association Act, relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act.

Bill read second time, and considered engrossed.

**Assembly Bill No. 20**—An act relating to lands owned by the State; reserving all minerals and all oil and gas in State lands; providing for prospecting for and taking such minerals and for the extraction and removal of oil and gas therefrom; providing for the acquisition by purchase or condemnation of interests in privately owned lands to facilitate the operations provided for or contemplated by this act; creating a State Lands Commission, prescribing its powers and duties, and transferring to and vesting in the State Lands Commission the administration of and jurisdiction over State lands; repealing acts or parts of acts in conflict herewith; and making an appropriation.

Bill read second time, and considered engrossed.

**Assembly Bill No. 21**—An act to amend the Welfare and Institutions Code by adding section 103.5 thereto, relating to the establishment of personnel standards in the administration of aid to the needy aged, the needy blind and needy children, providing for the enforcement thereof, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and considered engrossed.

**Assembly Bill No. 22**—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817c6, and 3817k thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales.

Bill read second time, and considered engrossed.

**Assembly Bill No. 23**—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately.

Bill read second time, and considered engrossed.



**Assembly Bill No. 24**—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment.

Bill read second time, and considered engrossed.

**Assembly Bill No. 25**—An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled "An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes therein specified.

Bill read second time, and considered engrossed.

**Assembly Bill No. 26**—An act to regulate the issuance of bonds of the California Toll Bridge Authority for or in connection with the San Francisco-Oakland Bay Bridge, and making an appropriation to secure the payment of interest on, and the redemption of, such bonds.

**Motion to Amend Assembly Bill No. 26.**

Mr. Heisinger moved to amend Assembly Bill No. 26 as follows:

**Amendment No. 1.**

On page 1, line 5 of the title of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "and concerning the powers, duties and responsibilities of the California Toll Bridge Authority."

**Amendment No. 2.**

On page 1 of the printed bill, strike out line 1, and insert in lieu thereof the following:

"SECTION 1. It is hereby declared that the purpose of this act is to assist the California Toll Bridge Authority to accumulate and maintain a surplus fund for the purpose of liquidating any indebtedness which exists or which may hereafter exist in connection with the San Francisco-Oakland Bay Bridge, and nothing in this act shall be construed as limiting the powers of the California Toll Bridge Authority in the exercise of its duties.

Sec. 1.5. As used in this act, "bonds" means any bonds".

**Amendment No. 3.**

On page 1, line 8, of the printed bill, strike out "one", and insert in lieu thereof the following: "two".

**Amendment No. 4.**

On page 1, line 10, of the printed bill, strike out "one", and insert in lieu thereof the following: "two".

**Amendment No. 5.**

On page 1 of the printed bill, between lines 10 and 11, insert the following: "If at any time the amount in the surplus account fund is less than two million dollars, the California Toll Bridge Authority shall within thirty days of that time, adjust the rates of tolls charged for motor transportation traffic to a figure such that the rates charged multiplied by the then existing average traffic for the six months' period prior to the date of changing said rates will meet all necessary charges and restore said surplus account fund to a minimum of two million dollars within the succeeding six months' period.

The moneys in the surplus account fund may be invested in any bonds which are by the laws of this State legal investments for savings banks.

SEC. 2.5. The interest on any bonds issued pursuant to this act shall not exceed three per cent. per annum and their maturity dates shall not be greater than fifty years from the time of issuance. Such bonds shall be issued only as need arises for the use of moneys to be obtained thereby.

SEC. 2.6. Under no conditions can any revenues or funds of the California Toll Bridge Authority whether derived from the operation of the San Francisco-Oakland Bay Bridge, or from the issuance of bonds, or otherwise, be used or paid to any person, firm or corporation as a consideration for the abandonment, assignment or cessation of operation of the now existing ferry boat services being operated on San Francisco Bay. It is the intention of this Legislature that no money shall be paid directly or indirectly for the use or benefit of the persons, firms or corporations operating said ferries in order to induce or obtain a cessation of their operation or assignment of their franchises or other acquisition thereof."

**Amendment No. 6.**

On page 1, line 15, of the printed bill, after the word "trip", insert a comma and the following: "including not to exceed five passengers."

**Amendment No. 7.**

On page 1, line 17, of the printed bill, strike out "one", and insert in lieu thereof the following: "two".

**Amendment No. 8.**

On page 1 of the printed bill, between lines 19 and 20, insert the following: "SEC. 3.5. In exercising its powers to fix tolls under section 7 of the California Toll Bridge Authority Act and under this act, the California Toll Bridge Authority shall fix tolls for trucks and truck transportation of freight at not to exceed the same comparative percentage basis as to automobile rates as at present exists or as may hereafter be fixed."

**Amendment No. 9.**

On page 1, line 23, of the printed bill, after the comma, insert the following: "except from that portion appropriated or which may be hereafter appropriated for the use of counties or cities or both,".

**Amendment No. 10.**

On page 2, lines 11 and 12, of the printed bill, strike out "the entire calendar year", and in lieu thereof insert the following: "any 30-day period".

**Amendment No. 11.**

On page 2, line 13, of the printed bill, after the period, insert the following: "SEC. 4.5. The surplus account fund shall be maintained at all times at not less than two million dollars; provided, that if at any time there is appropriated any sum or sums from the State highway fund as provided in this act, the toll shall be raised to fifty cents and shall remain at said fifty cents until there has been paid back from the surplus account fund to the State highway fund an amount equal to any and all sums so paid from said highway fund.

And provided further, that when the amount of all unredeemed bonds' reaches a figure such that said amount of unredeemed bonds is less than said surplus account fund, then said surplus account fund shall be applied to the retirement of said remaining unredeemed bonds; and any and all sums thereafter remaining in the funds to the credit of the San Francisco Bay Bridge shall be paid over to the State highway fund for the use pursuant to section 188 of the Streets and Highways Code for State highway purposes in the group of counties designated as Group No. 1 by section 187 of the Streets and Highways Code."

**Amendments adopted.**

Bill read second time, ordered to reprint and considered re-engrossed.

**Assembly Bill No. 27**—An act to repeal section 3897 of the Political Code and to add thereto Chapter VIIIa, consisting of sections 3833 to 3836.2, relating to sale of tax-deeded lands.

Bill read second time, and considered engrossed.

**Motion to Correct Journal.**

On motion of Mr. Morgan, the Assembly Journal of Tuesday, March 8, 1938 was ordered corrected to include the full text of Assembly Concurrent Resolution No. 9, and Assembly Concurrent Resolution No. 10.

**Motion of Appreciation.**

Mr. Lyon moved that a vote of thanks be expressed to Chairman Hunt and the members of the committee which had charge of the memorial services conducted in the Assembly Chamber March 8, 1938, and that they be commended for the fine manner in which the services were conducted, and that the committee be dismissed.

Motion carried.

**Motion to Furnish Bill-File Binders.**

On motion of Mr. Lyon, the State Printer was instructed to furnish each member with a complete bill-file binder of all bills introduced.

**Third Reading of Assembly Bills.**

**Assembly Bill No. 6**—An act to amend an act entitled "An act providing for a State exhibit at the Golden Gate International Exposi-

tion to be held in the San Francisco Bay Region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937.

Bill read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Burns, Michael J., Call, Corwin, Cottrell, Crowley, Dawson, Dilworth, Donihue, Donnelly, Flint, Fulcher, Gannon, Garibaldi, Garland, Glick, Heisinger, Hornblower, Kepple, Kuchel, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Millington, Patterson, Pelletier, Redwine, Richie, Sawallisch, Sheehan, Stream, Turner, Voigt, Walker, Welsh, Williamson and Mr. Speaker—45.

NOES—Boyle, Breed, Burns, Hugh M., Cunningham, Dannenbrink, Johnson, Lore, Miller, George P., Morgan, Muldoon, Reaves, Robertson, and Yorty—13.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Joint Resolution No. 5**—Relative to memorializing the President and the Congress of the United States to make available Federal funds for flood relief.

Assembly Joint Resolution No. 5 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Dilworth, Donnelly, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, Kuchel, Latham, Laughlin, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Peck, Pelletier, Reaves, Redwine, Richie, Rosenthal, Sawallisch, Sheehan, Stream, Turner, Walker, Watson, Welsh, Williamson, Yorty, and Mr. Speaker—60.

NOES—Robertson and Voigt—2.

Title read and approved. Bill ordered transmitted to the Senate.

### **Motion to Set All Oil Measures as Special Order.**

Mr. Morgan moved that the consideration of all oil measures be made a special order of business for Wednesday, March 9, 1938, at two o'clock, p.m.

#### **Substitute Motion.**

Mr. Williamson moved, as a substitute motion, that the consideration of all oil bills be made a special order of business for Friday, March 11, 1938, at ten o'clock, a.m.

The roll was called, and the substitute motion carried by the following vote:

AYES—Andreas, Baynham, Beene, Breed, Burns, Hugh M., Call, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Donihue, Flint, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, Kuchel, Laughlin, Leonard, Levey, Lore, Maloney, McMurray, Miller, Eleanor; Morgan, Patterson, Peck, Pelletier, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Voigt, Walker, Watson, Welsh, Williamson, Yorty, and Mr. Speaker—52.

NOES—Burns, Michael J., Dilworth, Donnelly, Latham, Stream, and Turner—6.

### **Consideration of Assembly Bill No. 18.**

#### **Case of Urgency.**

The following resolution was offered:

By Mr. Reaves:

*Resolved*, That Assembly Bill No. 18 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Breed, Burns, Hugh M., Burns, Michael J., Call, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Flint, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Morgan, Patterson, Peck, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal,

Sawallisch, Sheehan, Stream, Turner, Voigt, Walker, Watson, Welsh, Williamson, Yorty, and Mr. Speaker—60.

NOES—None.

Whereupon the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 18, at this time.

Third Reading of Assembly Bill No. 18.

**Assembly Bill No. 18**—An act making an appropriation to the State Relief Commission or its successor, for the construction of an armory and civic center.

Point of Order.

Mr. Hornblower arose to the following point of order: That Assembly Bill No. 18 was not included in the Governor's call, and was therefore out of order.

Ruling on Point of Order Referred.

The Speaker referred the point of order to the Legislative Counsel.

Third Reading of Assembly Bills—(Resumed).

**Assembly Concurrent Resolution No. 8**—Relative to permanent flood control.

Motion to Amend Assembly Concurrent Resolution No. 8.

Mr. Patterson moved to amend Assembly Concurrent Resolution No. 8 as follows:

Amendment No. 1.

On page 1, line 26, of the printed bill, after the word "therefor" substitute a period for the comma, and strike "and to appropriate", and all of line 27.

Amendment adopted.

Request for Unanimous Consent.

Mr. Patterson asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 8, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

Consideration of Assembly Concurrent Resolution No. 8, as Amended.

**Assembly Concurrent Resolution No. 8**—Relative to permanent flood control.

Assembly Concurrent Resolution No. 8, as amended, read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Burns, Hugh M., Burns, Michael J., Cassidy, Clark, Crowley, Dannenbrink, Dawson, Donihue, Donnelly, Flint, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, King, Laughlin, Levey, Lore, Maloney, McMurray, Meehan, Miller, George P., Millington, Morgan, Patterson, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Tenney, Thorp, Turner, Voigt, Welsh, Williamson, Yorty, and Mr. Speaker—49.

NOES—Breed, Call, Corwin, Cottrell, Cunningham, Desmond, Field, Kepple, Kuchel, Latham, Lyon, Miller, Eleanor, Redwine, Sheehan, Stream, Walker, and Watson—17.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

**Assembly Joint Resolution No. 3**—Relative to memorializing and petitioning the President of the United States and the Congress to enact legislation providing mediation and arbitration of labor disputes.

Motion to Amend Assembly Joint Resolution No. 3.

Mr. Maloney moved to amend Assembly Joint Resolution No. 3 as follows:

Amendment No. 1.

On page 1, lines 7 and 8, of the printed measure, strike out "the warehouses on the San Francisco Bay within the last month", and insert in lieu thereof the following: "warehouses during the last year".



**Amendment No. 2.**

On page 1, line 9, of the printed measure, after "and", insert the following: "has".

Amendments adopted.

**Request for Unanimous Consent.**

Mr. Heisinger asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 3, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Consideration of Assembly Joint Resolution No. 3, as Amended.**

**Assembly Joint Resolution No. 3**—Relative to memorializing and petitioning the President of the United States and the Congress to enact legislation providing mediation and arbitration of labor disputes.

**Call of the Assembly.**

Pending the announcement of the vote, Mr. Heisinger moved a call of the Assembly.

Motion carried. Time, eleven o'clock and thirty minutes a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in all absent members.

**Proceedings Under Call of the Assembly by Unanimous Consent.****Motion to Expunge Record and Rescind Action on  
Assembly Bill No. 6.**

Mr. Hornblower moved to expunge the record and rescind the action whereby the Assembly, on this day, passed Assembly Bill No. 6.

The roll was called, and the record expunged and the action rescinded by the following vote:

**AYES**—Andreas, Baynham, Beene, Burns, Hugh M., Burns, Michael J., Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Patterson, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—63.

**NOES**—None.

**Third Reading of Assembly Bill No. 6.**

**Assembly Bill No. 6**—An act to amend an act entitled "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay Region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937.

Urgency clause read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Burns, Hugh M., Burns, Michael J., Call, Corwin, Cottrell, Crowley, Cunningham, Daley, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Hornblower, Johnson, Kepple, King, Kuchel, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Patterson, Pelletier, Richie, Robertson, Sawallisch, Seudder, Sheehan, Stream, Tenney, Voigt, Walker, Weber, Welsh, Williamson, and Mr. Speaker—54.

**NOES**—Cassidy, Dannenbrink, Miller, George P., Reaves, and Yorty—5.

Assembly Bill No. 6 read third time, and passed by the following vote:

**AYES**—Andreas, Beene, Burns, Hugh M., Burns, Michael J., Call, Corwin, Cottrell, Crowley, Cunningham, Daley, Dawson, Desmond, Dilworth, Donihue, Donnelly, Gannon, Garibaldi, Garland, Hawkins, Hornblower, Kepple, King, Kuchel, Latham,

Laughlin, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Miller, Eleanor; Millington, Morgan, Patterson, Pelletier, Sawallisch, Scudder, Sheehan, Stream, Thorp, Voigt, Walker, Weber, Welsh, Williamson, and Mr. Speaker—47.

NOES—Cassidy, Dannenbrink, Johnson, Meehan, Miller, George P., Reaves, Richie, Robertson, Tenney, and Yorty—10.

Title read and approved. Bill ordered transmitted to the Senate.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 4**—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency.

#### Motion to Amend Assembly Bill No. 4.

Mr. Yorty moved to amend Assembly Bill No. 4 as follows:

#### Amendment No. 1.

On page 8 of the printed bill, strike out line 52, and on page 9, strike out lines 1 to 10, inclusive, and insert in lieu thereof the following: "crowding. (d) It shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an annual net income in excess of five times the annual rental of the quarters to be furnished such person or persons, except that in the case of families with three or more minor dependents, such ratio shall not exceed six to one; in computing the rental for this purpose of selecting tenants, there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental. (e) It shall pro—"

Amendment adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Laughlin, Levey, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Sawallisch, Scudder, Sheehan, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—59.

NOES—Dannenbrink, Field, Kuchel, Latham, Lore, Lyon, Robertson, and Stream—8.

#### Request for Unanimous Consent.

Mr. Hawkins asked for, and was granted, unanimous consent to take up Assembly Bill No. 4, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

#### Consideration of Assembly Bill No. 4, as Amended.

**Assembly Bill No. 4**—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency.

Urgency clause read, and adopted by the following vote:

AYES—Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi,

Garland, Gilbert, Hawkins, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—68.

NOES—None.

**Motion to Amend Assembly Bill No. 4.**

Mr. Field moved to amend Assembly Bill No. 4 as follows:

**Amendment No. 1.**

On page 5, line 38, of the printed bill, strike out "Present".

Amendment adopted.

**Request for Unanimous Consent.**

Mr. Hawkins asked for, and was granted, unanimous consent to take up Assembly Bill No. 4, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Consideration of Assembly Bill No. 4, as Amended.**

**Assembly Bill No. 4**—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency.

Assembly Bill No. 4, as amended, read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—71.

NOES—None.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

**Resolutions.**

The following resolutions were offered:

By the Committee on Attaches:

**House Resolution No. 35.**

*Resolved*, That the following named person be, and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, and the Controller is hereby directed to draw his warrants in favor of the said person for the said amount, and the Treasurer is hereby directed to pay the same:

*Commencing March 9, 1938—*

*Per Day*

Bea Rae, Stenographer

\$ 5 00

**House Resolution No. 35** read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Crowley, Cunningham, Daley, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—65.

NOES—None.

By Messrs. Voigt and Morgan:

**House Resolution No. 36.**

Relative to the completion of the Coast Highway from Santa Monica to Venice.

WHEREAS, The California Legislature has added to the State Highway System a secondary highway known as Route 163, to extend along the coast from Santa Monica to Venice; and

WHEREAS, The California Highway Commission has adopted the routing for this State highway; and

WHEREAS, The city of Santa Monica, the city of Los Angeles, and the county of Los Angeles have agreed to furnish the rights of way for this highway; and

WHEREAS, The State of California is now ready and willing to go ahead with the construction of this highway as soon as the rights of way are required and made available; now, therefore, be it

*Resolved by the Assembly of the State of California*, That this body hereby urges the city of Los Angeles, the city of Santa Monica, and the county of Los Angeles to proceed with all possible speed to acquire the necessary rights of way so that the State of California may proceed with the construction of this State highway; and, be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to send a copy of this resolution, properly engrossed, to the mayor and city council of the city of Los Angeles and of the City of Santa Monica and also a copy to the board of supervisors of the county of Los Angeles.

**Request for Unanimous Consent.**

Mr. Morgan asked for, and was granted, unanimous consent to take up House Resolution No. 36, at this time, without reference to print or calendar.

**House Resolution No. 36 read, and adopted.**

By Mr. Patterson:

**House Resolution No. 37.**

Relative to requesting the Governor to call a special session of the Legislature for the purpose of considering and acting upon legislation dealing with self-help cooperatives.

WHEREAS, Mr. Winslow Carlton, at the request of the Honorable Harry Hopkins, made a study of the possibilities of self-help cooperatives in California and formulated what is known as the Carlton plan; and

WHEREAS, The Carlton plan for self-help cooperatives has been approved by the State Relief Commission; and

WHEREAS, The State Relief Commission at one time allocated \$3,000,000 to put the Carlton plan into operation and the Federal Government furnished \$1,500,000 for the same purpose; and

WHEREAS, The State Relief Administration thereafter diverted the entire \$4,500,000 to direct relief and gave no support to the Carlton plan and made no provision for self-help cooperatives in California; and

WHEREAS, Self-help cooperatives are an indispensable part of any well considered and sound public relief program; and

WHEREAS, The establishment of a sound self-help cooperative program based on the Carlton plan constitutes a case of urgency; now, therefore, be it

*Resolved by the Assembly of the State of California*, That the Governor is hereby requested to call a special session immediately upon adjournment of this special session of the Legislature to consider and act upon legislation to provide a complete self-help cooperative program based upon the Carlton plan.

House Resolution No. 37 ordered printed in the Journal.

By Mr. Reeves:

**House Resolution No. 38.**

Urging support of House of Representatives Bill No. 8430, proposing the construction of a tunnel to connect San Pedro and Terminal Island.

WHEREAS, There has been introduced in the House of Representatives by Congressman Couden a bill designated Act H. R. 8430, which provides: That "the Secretary of War is authorized and directed to make a survey of the proposed Tunnel as a means of communication and transportation connecting San Pedro, Wilmington and Terminal Island, California; also connecting Fort McArthur and the Government departments located in San Pedro with Reeves Navy Airport on Terminal Island, and also the Federal Penitentiary, the Immigration Station and the Public Health Service, which are located on Reservation Point, Terminal Island, including a survey of the route, the cost and the benefits of a direct line of communication between San Pedro, Wilmington, Terminal Island, and Long Beach, which comprise the harbor district of and are contiguous to the City of Los Angeles, California," and



WHEREAS, The enactment of that bill will be of great importance to the State of California and particularly to the city of Los Angeles, the Los Angeles Harbor District, and the National Defense; now, therefore, be it

*Resolved by the Assembly of the State of California*, That the President and the Congress of the United States are hereby respectfully urged to enact H. R. 8430, authorizing the Secretary of War to make a survey of the proposed T tunnel as a means of communication and transportation between San Pedro, Wilmington, Terminal Island and Long Beach, California; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to prepare and transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House and the Senators and Representatives from the State of California in Congress.

House Resolution No. 38 ordered printed in the Journal.

By Mr. Reaves:

House Resolution No. 39.

Relative to State Relief Administration unemployed camps.

WHEREAS, The State Relief Administration has established camps for single men in Los Angeles County; and

WHEREAS, It is inconvenient and uneconomical for men employed about the docks, ships, shipyards and other waterfront enterprises to be sent to these camps for the reason that they are often called for work upon only two or three hours notice; and

WHEREAS, The California State Employment Service does not place any of these men as they are placed exclusively through employment offices maintained either by the union or jointly with the employers; and

WHEREAS, No camps are maintained in San Francisco, but qualified single men there are given cash relief; and

WHEREAS, It costs more to maintain men in camps than on cash relief; and

WHEREAS, Harold Pomeroy, State Relief Administrator, has refused to modify his rule relative to camp relief to seafaring men; now, therefore, be it

*Resolved by the Assembly of the State of California*, That the Governor of the State of California is hereby memorialized and petitioned to instruct the State Relief Administrator to modify the present State Relief Administration Camp plan so far as seafaring and waterfront employees are concerned; and be it further

*Resolved*, That copies of this resolution be transmitted by the Clerk of the Assembly to the Governor of the State of California and to the State Relief Administrator.

House Resolution No. 39 ordered printed in the Journal.

### Senate Message.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 4—Relative to approving certain amendments to the charter of the county of San Mateo, State of California.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

Request for Unanimous Consent.

Mr. Call asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 4, at this time, without reference to calendar.

Consideration of Senate Concurrent Resolution No. 4.

Senate Concurrent Resolution No. 4—Relative to approving certain amendments to the charter of the county of San Mateo, State of California.

Senate Concurrent Resolution No. 4, read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuehel, Leonard, Levey, Lore, Lyon, Maloney, Mayo, Meehan, Miller, George P., Millington, Patterson, Peek, Pelletier, Reeves, Redwine, Richie, Robertson, Sawalish, Seudder, Sheehan, Stream, Tenney, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—62.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Further Proceedings Under Call of the Assembly Dispensed With.

At twelve o'clock m., further proceedings under the call of the Assembly on Assembly Joint Resolution No. 3 were dispensed with, on motion of Mr. Heisinger.

The roll of absentees was called, and Assembly Joint Resolution No. 3 refused adoption by the following vote:

**AYES**—Andreas, Beene, Boyle, Breed, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Heisinger, Johnson, Latham, Laughlin, Leonard, Lore, Lyon, Mayo, Miller, Eleanor; Millington, Morgan, Redwine, Robertson, Scudder, Stream, Thorp, Turner, and Weber—37.

**NOES**—Baynham, Call, Cassidy, Clark, Dilworth, Gilbert, Glick, Hawkins, Hornblower, Kepple, King, Kuchel, Levey, Maloney, McMurray, Meehan, Miller, George P., Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Sawallisch, Sheehan, Tenney, Voigt, Walker, Watson, Welsh, Williamson, Yorty, and Mr. Speaker—33.

### Notice of Motion to Reconsider Assembly Joint Resolution No. 3.

Mr. Heisinger gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Joint Resolution No. 3 was this day refused adoption.

### Resolution.

The following resolution was offered:

By Mr. Patterson:

#### House Resolution No. 40.

WHEREAS, Congressman Jerry Voorhis of California has introduced a bill in the Congress of the United States for the relief of nonresidents; and

WHEREAS, It is recognized that California is faced with a greater problem of destitute nonresidents than any other State; and

WHEREAS, It is recognized that destitute nonresidents come from all States and assistance to them should not be a burden on the taxpayers of any one State; therefore be it

*Resolved*, That this body in special session memorialize the Congress of the United States to pass the Voorhis Bill so that the financing of the care necessary for this large group of individuals and families shall be placed on the people of the United States as a whole and not unduly tax the people of any one given State.

#### Request for Unanimous Consent.

Mr. Patterson asked for, and was granted, unanimous consent to take up House Resolution No. 40, at this time, without reference to calendar.

House Resolution No. 40 read and adopted.

### Introduction and Reference of Bills.

The following bills were introduced:

**Assembly Joint Resolution No. 6:** By Mr. Turner—Relative to Federal tax on oil.

Introduced, and ordered placed upon the calendar without reference to committee.

**Assembly Joint Resolution No. 7:** By Mr. Heisinger—Relative to memorializing the President, the Congress, and the Secretary of the State of the United States to protect agricultural products from unfair competition from abroad.

Introduced, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 28:** By Mr. Burns, Michael J.—An act to amend the title and sections 2, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 18.1, 19, 19.1, 20, 21, 22, 23, 24, 25 and 25.1 and to repeal sections 3, 4 and 5 of an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that

behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, relating to agricultural proration programs and the enforcement thereof, and the transfer of administration of said act from the Agricultural Prorate Commission to the Director of the State Department of Agriculture.

Bill read first time, and ordered placed upon the calendar without reference to committee.

### Recess.

At twelve o'clock and five minutes p.m., on motion of Mr. King, the Assembly was declared at recess until two o'clock p.m.

### Reassembled.

At two o'clock p.m., the Assembly reconvened.

Speaker Jones in the chair.

### Resolution.

The following resolution was offered:

By the Committee on Attaches:

#### House Resolution No. 41.

*Resolved*, That the following named person be, and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, and the Controller is hereby directed to draw his warrants in favor of the said person for the said amount, and the Treasurer is hereby directed to pay the same:

Commencing March 7, 1938—

Hallie Young, Postmistress

Per day

\$4 00

**House Resolution No. 41** read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fuleher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Latham, Leonard, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Seudder, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—68.

NOES—None.

### Senate Message.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Assembly Concurrent Resolution No. 3.

Assembly Concurrent Resolution No. 4.

Assembly Concurrent Resolution No. 5.

Assembly Concurrent Resolution No. 6.

Assembly Concurrent Resolution No. 7.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

The above reported bills ordered to enrollment.

### Consideration of Assembly Bill No. 16.

#### Case of Urgency.

The following resolution was offered:

By Mr. Cunningham:

*Resolved*, That Assembly Bill No. 16 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that

section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuehel, Latham, Laughlin, Leonard, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—72.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 16, at this time.

Third Reading of Assembly Bill No. 16.

Assembly Bill No. 16—An act to submit to the people at the general election in November, 1938, amendments proposed to the Constitution of the State of California by the extraordinary session of the Legislature, to take effect immediately.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuehel, Latham, Laughlin, Leonard, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—72.

NOES—None.

Assembly Bill No. 16 read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuehel, Latham, Laughlin, Leonard, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—72.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Consideration of Assembly Bill No. 19.

#### Case of Urgency.

The following resolution was offered:

By Mr. Garibaldi:

*Resolved*, That Assembly Bill No. 19 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, King, Latham, Laughlin, Leonard, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—70.

NOES—None.



Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 19, at this time.

**Motion to Amend Assembly Bill No. 19.**

Mr. Garibaldi moved to amend Assembly Bill No. 19 as follows:

**Amendment No. 1.**

On page 1, line 4 of the title of the printed bill, strike out the period, and insert in lieu thereof the following: "declaring the urgency hereof and providing that this act shall take effect immediately."

**Amendment No. 2.**

On page 2, following line 14, of the printed bill, add the following:

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall take effect immediately. The facts constituting this necessity are as follows:

The Congress of the United States has passed and the President has signed certain amendments to the National Housing Act authorizing the insurance of loans and advances of credit for the purpose of financing the construction, improvement or repairs of homes and other structures on much more favorable terms than have heretofore been available.

In order to allow building and loan associations to make loans on these more favorable terms and in order to make available to the residents of the State of California the full advantages of the National Housing Act, the public peace, health and safety require that this act go into immediate effect. If the residents of the State of California are able to obtain building loans on the favorable terms offered under the National Housing Act it will stimulate employment in many major industries, thereby reducing the burden of public relief."

Amendments adopted.

**Request for Unanimous Consent.**

Mr. Garibaldi asked for, and was granted, unanimous consent to take up Assembly Bill No. 19, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Consideration of Assembly Bill No. 19, as Amended.**

**Assembly Bill No. 19**—An act to amend section 9.18 of the Building and Loan Association Act, relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, declaring the urgency hereof and providing that this act shall take effect immediately.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Crowley, Cunningham, Daley, Daumenbrink, Dawson, Desmond, Dilworth, Donihue, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Seudder, Sheehan, Stream, Tenney, Thorp, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—68.

NOES—None.

Assembly Bill No. 19, as amended, read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Cassidy, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Sawallisch, Seudder, Sheehan, Stream, Tenney, Thorp, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—65.

NOES—None.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 14**—An act to amend sections 1, 2, 12, 17 and 20 of an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bond and to enforce the lien of such assessments and reassessment, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the Bankrupt Laws of the United States of America in any refunding," approved July 20, 1935, as amended, and validating refunding proceedings heretofore taken under said act, refunding assessments heretofore levied and refunding bonds heretofore issued under said act, and declaring the urgency of this act to take effect immediately.

Urgency clause read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Gliick, Hawkins, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Rielie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—68.

**NOES**—Morgan—1.

#### Motion to Amend Assembly Bill No. 14.

Mr. Gliick moved to amend Assembly Bill No. 14 as follows:

##### Amendment No. 1.

On page 2 of the printed bill, strike out lines 15 to 26, inclusive, and in line 27, the words "other act or acts," and insert in lieu thereof the following: "Such appropriations or contributions may be made at any time during the course of the refunding proceedings."

##### Amendment No. 2.

On page 11, line 45, of the printed bill, strike out "Sec. 6."

##### Amendment No. 3.

On page 11, line 51, of the printed bill, strike out "7", and insert in lieu thereof the following: "6".

Amendments adopted.

#### Request for Unanimous Consent.

Mr. Gliick asked for, and was granted, unanimous consent to take up Assembly Bill No. 14, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

#### Consideration of Assembly Bill No. 14, as Amended.

**Assembly Bill No. 14**—An act to amend sections 1, 2, 12, 17 and 20 of an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bond and to enforce the lien of such assessments and reassessment, and to provide for contributions of

public funds to assist in such refunding or the payment of refunding bond, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the Bankrupt Laws of the United States of America in any refunding," approved July 20, 1935, as amended, and validating refunding proceedings heretofore taken under said act, refunding assessments heretofore levied and refunding bonds heretofore issued under said act, and declaring the urgency of this act to take effect immediately.

Assembly Bill No. 14, as amended, read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fuleher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Maloney, McMurray, Meehan, Miller, Elcanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peck, Pelletier, Reeves, Redwine, Richie, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—69.

NOES—None.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

**Assembly Bill No. 15**—An act to amend sections 1, 2, 12 and 15 of the Assessment Bond Refunding Act of 1933, as amended, relating to the refunding of indebtedness of special improvement districts, the levy and enforcement of reassessments therefor, the issuance of refunding bonds, the contribution of public funds to assist in such refunding, and validating refunding proceedings heretofore taken, refunding reassessments heretofore levied, and refunding bonds heretofore issued, and declaring the urgency hereof to take effect immediately.

**Motion to Amend Assembly Bill No. 15.**

Mr. Glick moved to amend Assembly Bill No. 15 as follows:

**Amendment No. 1.**

On page 2 of the printed bill, strike out all of line 3 following the period; strike out all of lines 4 to 14, inclusive; strike out all of line 15 preceding the period, and insert in lieu thereof the following: "Such appropriations or contributions may be made at any time during the course of the refunding proceedings".

**Amendment No. 2.**

On page 9, line 16, of the printed bill, strike out "See. 5."

**Amendment No. 3.**

On page 9, line 22, of the printed bill, strike out "6", and insert in lieu thereof the following: "5".

Amendments adopted.

**Request for Unanimous Consent.**

Mr. Glick asked for, and was granted, unanimous consent to take up Assembly Bill No. 15, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Consideration of Assembly Bill No. 15, as Amended.**

**Assembly Bill No. 15**—An act to amend sections 1, 2, 12 and 15 of the Assessment Bond Refunding Act of 1933, as amended, relating to the refunding of indebtedness of special improvement districts, the levy and enforcement of reassessments therefor, the issuance of refunding bonds, the contribution of public funds to assist in such refunding, and validating refunding proceedings heretofore taken, refunding reassessments heretofore levied, and refunding bonds heretofore issued, and declaring the urgency hereof to take effect immediately.



Urgency clause read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—69.

NOES—None.

Assembly Bill No. 15, as amended, read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—69.

NOES—None.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

### Consideration of Assembly Bill No. 25.

#### Case of Urgency.

The following resolution was offered:

By Mr. Kuchel:

*Resolved*, That Assembly Bill No. 25 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Baynham, Beene, Boyle, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—68.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 25, at this time.

#### Motion to Defer Further Consideration of Assembly Bill No. 25.

On motion of Mr. Kuchel, further consideration of Assembly Bill No. 25 was deferred.

### Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 12—An act to amend section 1143 of the Penal Code, relating to the fees of jurors.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—69.

NOES—None.



**Motion to Amend Assembly Bill No. 12.**

Mr. Redwine moved to amend Assembly Bill No. 12 as follows:

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, following the word "jurors", add a comma and the following: "declaring the urgency hereof and providing that this act shall take effect immediately".

**Amendment No. 2.**

On page 1 of the printed bill, following line 20, add the following:

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1, Article IV of the Constitution of the State of California and shall take effect immediately.

The facts constituting such necessity are as follows:

For some time attorneys and judges have assumed that persons serving on juries in criminal cases triable in municipal courts were entitled to the same fees for their services as persons serving on juries in criminal cases triable in the superior courts. The result of current inquiries indicate that such may not be the case. This uncertainty in the law has caused great confusion in the minds of judges and county fiscal officers who are charged with the responsibility of auditing and paying claims for jury duty. The public peace and safety requires that this uncertainty and confusion be immediately determined and resolved, and for that purpose it is essential that this act be immediately effective."

Amendments adopted.

**Request for Unanimous Consent.**

Mr. Redwine asked for, and was granted, unanimous consent to take up Assembly Bill No. 12, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Consideration of Assembly Bill No. 12, as Amended.**

**Assembly Bill No. 12**—An act to amend section 1143 of the Penal Code, relating to the fees of jurors.

Assembly Bill No. 12, as amended, read third time, and passed by the following vote:

**AYES**—Andreas, Bayham, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cunningham, Daley, Dawson, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levy, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Morgau, Muldoon, Patterson, Peck, Pelletier, Reaves, Redwine, Richie, Robertson, Sawallisch, Sheehan, Stream, Tenney, Thorp, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—61.

**NOES**—None.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

**Special Order Set for Assembly Bills Nos. 23 and 28.**

On motion of Mr. Burns, Michael J., the consideration of Assembly Bills Nos. 23 and 28 was made a special order of business for Thursday, March 10, 1938, at eight o'clock and thirty minutes p.m.

**Request to Print Minority Report in Journal.**

On motion of Mr. Heisinger, the following minority report of the Assembly Interim Committee on Agriculture was ordered printed in the Journal.

**Preliminary or Partial Minority Report of the Assembly Interim Committee on Agriculture.**

In pursuance to Assembly Resolution No. 171, adopted May 20, 1937, a committee was appointed to investigate matters pertaining to agriculture. Hearings have been held and investigations made from time to time. A preliminary or partial report is hereby submitted to the Assembly for its consideration.

At meetings held in San Jose January 6, 7 and 8, 1938, by agricultural organizations, all matters pertaining to agricultural products were widely discussed and resolutions were passed urging mediation and arbitration of labor disputes affecting production, harvesting, processing, transportation and distribution of agricultural products.

At a hearing held in the Capitol, Sacramento, on January 27, 1938, pertaining to the transportation of agricultural products over the Bay Bridge, and also kindred

matters, it was testified that on March 6, 1936, an agreement was entered into between the Toll Bridge Authority and the Key System and Interurban, both "Southern Pacific subsidiaries," for the transportation of foot passengers across the bridge. In carrying out the terms of that contract the Toll Bridge Authority is expending \$18,300,000 to furnish the complete equipment, even to the rolling stock for the transportation companies, even though they offer no competition to the bridge. The estimated income to the bridge from this source will not pay interest on this investment for this purpose. Therefore, it will be seen that the tolls for transportation of agricultural and other products by trucks and the tolls on automobiles will be forced to pay the entire cost of the bridge. It was also shown that the Golden Gate Ferries Limited, which is another Southern Pacific subsidiary, was not included in the contract dated March 6, 1936; this being the company which has procured from the Railroad Commission permission to transport automobiles across the bay by ferry at a toll of practically one-half of the toll as charged by the Bay Bridge, thereby taking from the bridge a considerable income but not sufficient to seriously affect the financial condition of the structure.

With reference to tolls over the Bay Bridge affecting agricultural products, the committee has received numerous letters from responsible firms, protesting the extravagant tolls. There is one from Rosenberg Bros. & Co., shippers of dried fruits, raisins, rice, beans, nuts and honey, on February 19, 1938. Among other things they said: "We think the tolls on the Bay Bridge should be sufficient to provide amortization over a reasonable period of time, but we are definitely of the opinion that tolls are now much too high on the San Francisco-Oakland Bay Bridge and will prove a great handicap to the communities on both sides of the bay."

The Sperry Flour Company on February 18, 1938, in part said: "Before the Bay Bridge was built the ferry tolls and unsatisfactory service discouraged us from attempting to use trucks, and now that the operating time between Vallejo to San Francisco has been so materially reduced, we would give serious consideration to the truck delivery service from Vallejo if it were not for the fact that the present Bay Bridge tolls make truck operations uneconomical."

The Blue and Gold Flour Service, San Francisco, in a letter dated January 26, 1938, in part said: "A 10-ton truck loaded, using the Bay Bridge, pays tolls of \$6 for the load and 75 cents for the truck, plus 5 cents for each man with the load. Bay Bridge tolls for trucks and commodities, at present levels, are unreasonably high and unnecessary, and those tolls represent the one asset that the ferries have in their struggle to build up a nuisance value for their franchisees."

A letter from the San Joaquin Valley Poultry Producers Association, largest in the San Joaquin Valley, in part says:

"I have discussed the matter of toll charges over the new Bay Bridge with Mr. Jim Moore, of the Moore's Transportation Company, who hauls practically all of our products from the bay area. He says that toll charges are so excessively high that it is impossible for them to go across the bridge with a load and make deliveries anywhere and meet competitive rates. He sometimes has to cross the bay with his empty truck, but takes the ferry instead of the bridge. According to his ideas, the bridge will get but little business from trucks, either empty or loaded, unless charges are materially reduced, as at present they are so high as to be prohibitive.

(Signed)

W. B. ROBY, General Manager."

It can be readily seen by these letters and by our other findings that the heavy tolls as charged by the Toll Bridge Authority for truck transportation over the Bay Bridge are seriously and adversely affecting the farmers of northern and central California and are furnishing the bay ferries the effective weapon to force the State to buy their franchises for \$3,750,000.

Proposals have been made to materially reduce the tolls on trucks as well as on automobiles. It appears that inasmuch as the bridge is a durable and lasting structure, it would be an unfair practice to place the burden of its debt liquidation upon the present users thereof, if by a different method of management, long-term bonds and low interest rates, tolls could be materially reduced, all of which would stimulate business and also help to lower the cost of living. As Mr. Kelly testified before the committee, the Toll Bridge Authority is spending \$18,300,000 to construct the rail transportation which largely benefits the rail transportation companies. It would seem like rank folly to spend another \$3,750,000 to purchase the franchise of the Golden Gate Ferries as a further subsidy to the Southern Pacific, especially as the franchise expires in 1941, and for the further reason that the Legislature in 1937 defeated a similar proposal.

It appears that the Toll Bridge Authority Bill which is a compromise measure and which is now before us for our consideration, if slightly amended to also provide reductions in tolls for trucks on a similar scale as it provides for reduction in tolls for automobiles, would be fair to the farmers and also to the consumers of agricultural products within our cities.

S. L. HEISINGER, Acting Chairman.  
HUGH P. DONNELLY.

**Consideration of House Resolution No. 17.**

**House Resolution No. 17**—Directing the Governor and the Attorney General to take immediate and proper action to recover as damages the full value of the oil and gas taken by trespassers from State lands at Huntington Beach and to enjoin and prevent further subsurface trespassing therein by slant drilled wells.

**House Resolution No. 17** read, and refused adoption by the following vote:

**AYES**—Burns, Michael J., Clark, Donnelly, Gannon, Hawkins, Heisinger, King, Miller, George P., Patterson, Peck, Pelletier, Reaves, Richie, Rosenthal, Tenney, and Yorty—16.

**NOES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Call, Cassidy, Corwin, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Field, Fulcher, Glick, Hornblower, Johnson, Kepple, Latham, Laughlin, Levey, Lyon, Maloney, Mayo, Miller, Eleanor; Millington, Morgan, Muldoon, Robertson, Sawallisch, Sheehan, Stream, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, and Mr. Speaker—42.

**Consideration of House Resolution No. 16.**

**House Resolution No. 16**—Directing the Governor and the Relief Administrator to take immediate steps to cooperate with the Federal Government in order to reopen the relief sewing projects.

**House Resolution No. 16** read, and adopted by the following vote:

**AYES**—Andreas, Boyle, Burns, Hugh M., Cassidy, Clark, Dannenbrink, Desmond, Donnelly, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, King, Laughlin, McMurray, Miller, George P., Morgan, Patterson, Peck, Pelletier, Reaves, Richie, Rosenthal, Sawallisch, Tenney, Voigt, Watson, Welsh, Yorty, and Mr. Speaker—31.

**NOES**—Baynham, Beene, Breed, Call, Corwin, Cunningham, Dawson, Field, Fulcher, Gannon, Glick, Hornblower, Johnson, Kepple, Latham, Leonard, Levey, Lyon, Maloney, Mayo, Miller, Eleanor; Millington, Muldoon, Robertson, Sheehan, Stream, Walker, Weber, and Williamson—29.

**Introduction and Reference of Bills—(Resumed).**

The following bill was introduced:

**Assembly Concurrent Resolution No. 14:** By Messrs. Morgan, Muldoon, Cunningham, Pelletier, Hawkins, Tenney, Dawson, Baynham, Latham, Redwine, Field, Boyle, Andreas, Breed, Cottrell, Miller, George P., Johnson, Dannenbrink, Beene, Turner, Scudder, Donnelly, Thorp, Lore, Robertson, Voigt, Williamson, Maloney, Gannon, Millington, McMurray, Leonard, Cassidy, Donihue, Stream, Sheehan, Call, Levey, Kepple, Walker, Watson, Crowley, Corwin, Laughlin, Miss Miller, and Mrs. Daley—Relative to adjournment sine die of the extraordinary session of 1938 of the Legislature of the State of California.

**Request for Unanimous Consent.**

Mr. Morgan asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 14, at this time, without reference to print or calendar, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 14.**

**Assembly Concurrent Resolution No. 14**—Relative to adjournment sine die of the extraordinary session of 1938 of the Legislature of the State of California.

**Assembly Concurrent Resolution No. 14** read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Garibaldi, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon,



Pelletier, Redwine, Robertson, Sawallisch, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, and Mr. Speaker—57.

NOES—Burns, Hugh M., Fulcher, Garland, Meehan, Patterson, Richie, and Yorty—7.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

### Consideration of House Resolution No. 27.

**House Resolution No. 27**—Relating to the appointment of an Assembly interim committee to be known as the Public Employees' Welfare Committee to investigate the disregard of State, county and city civil service provisions.

#### Motion to Amend House Resolution No. 27.

Mr. Latham moved to amend House Resolution No. 27 as follows:

##### Amendment No. 1.

In line 3 of the title of the printed measure, appearing on page 45 of the Assembly Journal for March 8, 1938, strike out "State."

##### Amendment No. 2.

In line 13, of the printed measure, appearing on page 46 of the Assembly Journal of March 8, 1938, strike out "in the State and in particular the civil service system".

##### Amendment No. 3.

In lines 17 and 18, of the printed measure, appearing on page 46 of the Assembly Journal of March 8, 1938, strike out "officers of this State and the heads of each and every department, agency and subdivision thereof, and that all".

Amendments adopted.

#### Motion to Table House Resolution No. 27.

Mr. Voigt moved that House Resolution No. 27 be laid on the table. The roll was called, and the motion to table lost by the following vote:

AYES—Cassidy, Clark, Crowley, Cunningham, Dannenbrink, Donnelly, Gannon, Garland, Hawkins, Heisinger, Levey, McMurray, Meehan, Millington, Morgan, Patterson, Peek, Rosenthal, Stream, Tenney, Turner, Voigt, Weber, and Yorty—24.

NOES—Beene, Boyle, Burns, Hugh M., Burns, Michael J., Call, Corwin, Cottrell, Daley, Desmond, Donihue, Field, Fulcher, Garibaldi, Gilbert, Glick, Hunt, Johnson, King, Kuchel, Latham, Lore, Lyon, Miller, George P., Pelletier, Redwine, Richie, Robertson, Sawallisch, Scudder, Sheehan, Thorp, Walker, Watson, Welsh, and Williamson—35.

**House Resolution No. 27**, as amended, read, and adopted by the following vote:

AYES—Beene, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Desmond, Donihue, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hunt, Kepple, King, Kuchel, Latham, Lore, Lyon, Meehan, Miller, George P., Patterson, Pelletier, Reaves, Richie, Robertson, Sawallisch, Scudder, Stream, Tenney, Thorp, Voigt, Walker, Watson, Welsh, and Mr. Speaker—44.

NOES—Andreas, Boyle, Cunningham, Donnelly, Field, Hawkins, Heisinger, Johnson, McMurray, Miller, Eleanor; Millington, Morgan, Rosenthal, Sheehan, Turner, Weber, and Yorty—17.

#### House Resolution No. 27, as Amended.

Relating to the appointment of an Assembly Interim Committee to be known as the Public Employees' Welfare Committee to investigate the disregard of county and city civil service provisions.

WHEREAS, It has been charged that in the various cities and counties of this State and in particular with relation to public safety employees, such as employees of the police and fire departments, there have been flagrant violations and circumventions of the various civil service provisions of statutes, ordinances and charters; and

WHEREAS, Such practices are obviously destructive of the efficiency and morale of such employees; and

WHEREAS, Such conditions should be investigated in order that they may be corrected as speedily as possible; and

WHEREAS, It may be found during the course of investigation that the constitutional and statutory provisions relating to civil service systems other than those above mentioned should also be investigated, and that the investigation proposed by this resolution be not too closely confined; now, therefore, be it



*Resolved by the Assembly of the State of California,* That an Assembly interim committee to be called the Public Employees' Welfare Committee be created to consist of three members to be appointed by the Speaker of the Assembly; and be it further

*Resolved,* That the sum of \$500 is hereby appropriated and set aside from the contingent fund of the Assembly for the purpose of paying the expenses of the committee including costs of any records and transcriptions, expenses of members and mileage, and for the paying of expenses of necessary assistants of said committee, the said money to be disbursed upon the certification of the chairman of the committee upon warrants drawn by the Controller upon the Treasurer; and be it further

*Resolved,* That the committee upon the appointment of its members shall organize, appoint a secretary and may employ such clerical, legal and technical assistance and adopt such rules as may appear necessary and proper to carry out the powers granted and duties imposed under this resolution; and be it further

*Resolved,* That the committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and be it further

*Resolved,* That the members of the committee are and each of them is hereby authorized and empowered to administer oaths, and that all of the provisions of Article VIII, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to the committee authorized under this resolution; and be it further

*Resolved,* That the Sergeant-at-Arms of the Assembly, or other person designated by him, is hereby directed to serve any and all subpoenas, orders and other processes that may be issued by such committee when directed to do so upon a vote of the majority of the members of said committee; and be it further

*Resolved,* That the committee investigate the administration of all civil service systems of cities and counties with a special reference to public safety employees, such as police and fire department employees, and shall recommend such legislation as is necessary to correct any abuses so found and to better the working conditions of employees; and be it further

*Resolved,* That all county, township and municipal officers and all employees of all such officers, and all county, township and city departments shall give and furnish to the committee upon request such information, records, and documents as the committee deems necessary or proper; and be it further

*Resolved,* That the committee is authorized and empowered to make a final report of the results of its work and of its recommendations for proposed legislation to the Legislature during the January part of the fifty-third session thereof.

#### Further Consideration of Assembly Bill No. 25.

**Assembly Bill No. 25**—An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled "An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes therein specified.

Urgency clause read, and adopted by the following vote:

**AYES**—Andreas, Beene, Breed, Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dawson, Desmond, Dilworth, Donihue, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Levey, Lore, Maloney, McMurray, Mehan, Miller, Eleanor, Morgan, Muldoon, Patterson, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Seudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—62.

**NOES**—Dannenhink, Donnelly, and Miller, George P.—3.

#### Motion to Set Assembly Bill No. 25 as Special Order.

On motion of Mr. Yorty, the further consideration of Assembly Bill No. 25 was made a special order of business for Wednesday, March 9, 1938, at eight o'clock and thirty minutes p.m., by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Corwin, Daley, Dannenhink, Dawson, Desmond, Dilworth, Donihue, Don-

nelly, Field, Fulcher, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, King, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peck, Pelletier, Reaves, Redwine, Richie, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Weber, Welsh, Yorty, and Mr. Speaker—63.

NOES—Crowley, Cunningham, Garibaldi, Kuchel, and Watson—5.

### Consideration of House Resolution No. 13.

**House Resolution No. 13**—Relative to the request that living wages be paid the single men in the relief concentration camps.

**House Resolution No. 13** read, and adopted by the following vote:

AYES—Andreas, Beene, Boyle, Burns, Hugh M., Call, Cassidy, Clark, Corwin, Cottrell, Cunningham, Daley, Dannenbrink, Dawson, Donihue, Donnelly, Field, Garibaldi, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, King, Laughlin, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Patterson, Peck, Pelletier, Reaves, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Weber, Welsh, Yorty, and Mr. Speaker—50.

NOES—None.

### Consideration of House Resolution No. 15.

**House Resolution No. 15**—Pertaining to the placing on the agenda of the special session of the State Legislature by the Governor the problem of unemployment and relief, or that the Governor immediately call another special session to take up this problem.

**House Resolution No. 15** read, and adopted by the following vote:

AYES—Andreas, Burns, Michael J., Cassidy, Clark, Dannenbrink, Dawson, Donihue, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, King, Levey, Lore, Maloney, McMurray, Meehan, Miller, George P., Patterson, Pelletier, Reaves, Richie, Rosenthal, Sawallisch, Tenney, Voigt, Weber, Williamson, and Yorty—31.

NOES—Baynham, Boyle, Breed, Call, Corwin, Cottrell, Daley, Donnelly, Gannon, Glick, Kepple, Kuchel, Lyon, Mayo, Miller, Eleanor; Millington, Morgan, Muldoon, Redwine, Robertson, Scudder, Sheehan, Stream, Thorp, Turner, Walker, Welsh, and Mr. Speaker—28.

### Senate Message.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 9, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, the following:

**Senate Bill No. 1**—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

**Senate Bill No. 1** read first time.

### Request for Unanimous Consent.

Mr. Patterson asked for, and was granted, unanimous consent to take up Senate Bill No. 1, at this time, without reference to calendar.

### Consideration of Senate Bill No. 1.

**Senate Bill No. 1**—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

### Case of Urgency.

The following resolution was offered:

By Mr. Patterson:

*Resolved*, That Senate Bill No. 1 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second, and third times, and placed upon its passage.

**Resolution** read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Breed, Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Cunningham, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Field, Fulcher, Gannon, Garland, Glick, Hawkins, Heisinger, Horn-

blower, Hunt, Johnson, Kepple, King, Kuchel, Laughlin, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Rohertson, Rosenthal, Sheehan, Tenney, Thorp, Turner, Voigt, Walker, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—61.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Senate Bill No. 1, at this time.

#### Second Reading of Senate Bill No. 1.

**Senate Bill No. 1**—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

Bill read second time.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Laughlin, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—68.

NOES—None.

#### Third Reading of Senate Bill No. 1.

**Senate Bill No. 1**—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

Bill read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Laughlin, Lore, Lyon, Maloney, Mayo, McMurray, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Tenney, Thorp, Turner, Voigt, Walker, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—64.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

#### Special Order Set for House Resolution No. 29.

On motion of Mr. Richie, the consideration of House Resolution No. 29 was made a special order of business for Thursday, March 10, 1938, at ten o'clock a.m.

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Joint Resolution No. 7**—Relative to memorializing the President, the Congress, and the Secretary of State of the United States to protect agricultural products from unfair competition from abroad.

Assembly Joint Resolution No. 7 read, and adopted by the following vote:

AYES—Andreas, Baynham, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Crowley, Cunningham, Daley, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Garibaldi, Garland, Glick, Heisinger, Hornblower, Hunt, Johnson, Laughlin, Lore, Lyon, Maloney, Mayo, McMurray, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Pelletier, Richie, Sawallisch, Scudder, Sheehan, Stream, Thorp, Turner, Voigt, Walker, and Weber—49.

NOES—Dannenbrink, Gilbert, King, Patterson, Rosenthal, Tenney, Yorty, and Mr. Speaker—8.

Title read and approved. Bill ordered transmitted to the Senate.



### Introduction and Reference of Bills—(Resumed).

The following bill was introduced:

**Assembly Bill No. 29:** By Mr. Yorty—An act to add sections 6 and 7 to an act entitled "An act to provide for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof," approved June 14, 1935, conferring upon the State Planning Board certain powers, duties, and jurisdiction over public corporations created for the purpose of engaging in low cost housing and slum clearance and defining the scope thereof, to declare an emergency and to take effect immediately.

Bill read first time, and ordered placed upon the calendar without reference to committee.

### Recess.

At five o'clock and five minutes p.m., on motion of Mr. King, the Assembly was declared at recess until eight o'clock and thirty minutes p.m.

### Reassembled.

At eight o'clock and thirty minutes p.m., the Assembly reconvened. Speaker Jones in the chair.

### Special Order

The hour of eight o'clock and thirty minutes p.m., having arrived, the special order heretofore set for this hour was taken up for consideration.

### Further Consideration of Assembly Bill No. 25.

**Assembly Bill No. 25**—An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled "An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes therein specified.

Bill read third time, and passed by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Cunningham, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Morgan, Muldoon, Patterson, Peek, Pelletier, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Watson, Weber, Welsh, Yorty, and Mr. Speaker—60.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Joint Resolution No. 6**—Relative to Federal tax on oil.

Assembly Joint Resolution No. 6 read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Cunningham, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Turner, Voigt, Watson, Weber, Welsh, Yorty, and Mr. Speaker—61.

**NOES**—None.

Title read as approved. Bill ordered transmitted to the Senate.



## Introduction and Reference of Bills—(Resumed).

The following bill was introduced:

**Assembly Joint Resolution No. 8:** By Mr. Tenney—Relative to memorializing the President and the Congress of the United States to enact H. R. 9102 creating a permanent Federal Bureau of Fine Arts.

### Request for Unanimous Consent.

Mr. Tenney asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 8, at this time, without reference to print or calendar, and that the same be considered engrossed.

### Consideration of Assembly Joint Resolution No. 8.

**Assembly Joint Resolution No. 8**—Relative to memorializing the President and the Congress of the United States to enact H. R. 9102 creating a permanent Federal Bureau of Fine Arts.

Assembly Joint Resolution No. 8 read, and adopted by the following vote:

**AYES**—Andreas, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Cunningham, Dannenbrink, Dawson, Donihue, Donnelly, Flint, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, King, Laughlin, Leonard, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—58.

**NOES**—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

## Resolution.

The following resolution was offered:

By Mr. Tenney:

### House Resolution No. 42.

Relative to inviting the Governor to attend the Mooney hearing.

**WHEREAS**, Hearsay accounts and unconfirmed rumors concerning the case of Thomas J. Mooney have created misunderstandings and misconceptions of the actual facts in the minds of many; and

**WHEREAS**, Many of these misunderstandings and misconceptions may be dispelled by Mr. Mooney himself; now, therefore, be it

**Resolved**, That the Speaker of the Assembly appoint a Select Committee of three Assemblymen to invite the Governor to attend the Mooney hearing before the Committee of the Whole Assembly at ten o'clock a.m., on Thursday, March 10, 1938.

### Request for Unanimous Consent.

Mr. Tenney asked for, and was granted, unanimous consent to take up House Resolution No. 42, at this time, without reference to calendar.

**House Resolution No. 42** read, and adopted.

### Appointment of Special Committee.

The Speaker announced the appointment of Messrs. Tenney, Richie, and Yorty as a Special Committee in accordance with the provisions of House Resolution No. 42.

## Resolution.

The following resolution was offered:

By Mr. Richie:

### House Resolution No. 43.

Relative to the securing of services of a court reporter for making a record of the proceedings of the Assembly in connection with the appearance of Thomas Mooney on March 10, 1938.

**Resolved**, That the Chief Clerk of the Assembly be and he is hereby authorized to secure the services of competent shorthand reporters to take and transcribe the proceedings attendant upon the appearance before this Assembly of Thomas Mooney and Court Smith; and be it further

**Resolved**, That expenses incurred in connection with such reporting shall be paid out of the funds now or hereafter made available for the contingent expenses of the Assembly.

**Request for Unanimous Consent.**

Mr. Richie asked for unanimous consent to take up House Resolution No. 43 at this time, without reference to calendar.

Mr. Hornblower withheld his consent.

**Motion for Temporary Suspension of the Rules.**

Mr. Richie moved that the Rules be temporarily suspended for the purpose of considering House Resolution No. 43, at this time.

The roll was called, and the motion lost by the following vote:

**AYES**—Andreas, Burns, Michael J., Clark, Cottrell, Dannenbrink, Dawson, Flint, Garland, Gilbert, Glick, Hawkins, Hunt, Johnson, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Morgan, Patterson, Peek, Pelletier, Richie, Rosenthal, Sawallisch, Tenney, Turner, Voigt, Welsh, Yorty, and Mr. Speaker—32.

**NOES**—Baynham, Beene, Breed, Corwin, Cunningham, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Heisinger, Hornblower, Kepple, Kuchel, Latham, Leonard, Lyon, Mayo, Millington, Redwine, Robertson, Scudder, Sheehan, Stream, Walker, Watson, and Weber—29.

House Resolution No. 43 ordered printed in the Journal.

**Motion to Print Proceedings in Journal.**

Mr. Tenney moved that the entire proceedings before the House on the Thomas J. Mooney hearing be printed in the Corrected Journal.

**Motion to Amend Motion to Print Proceedings in Journal.**

Mr. Desmond moved that after the testimony of Thomas J. Mooney is transcribed, the Assembly be allowed to reserve the right to have the transcription printed in the Journal.

**Demand for Previous Question.**

Messrs. Cunningham, Andreas, Field, Johnson and Cottrell demanded the previous question.

Demand for previous question sustained.

The question being on the amendment to the motion to print the proceedings of the Mooney hearing in the Journal.

The roll was called, and amendment to the motion carried by the following vote:

**AYES**—Andreas, Baynham, Beene, Breed, Corwin, Cottrell, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Heisinger, Hornblower, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Lyon, Maloney, Mayo, McMurray, Miller, Eleanor; Millington, Morgan, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Stream, Turner, Walker, Watson, and Weber—42.

**NOES**—Boyle, Burns, Michael J., Cassidy, Clark, Flint, Garland, Gilbert, Glick, Hawkins, Lore, Meehan, Miller, George P., Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Tenney, Voigt, Welsh, Yorty, and Mr. Speaker—23.

The question being on the amended motion to reserve the right to print the proceedings of the Mooney hearing in the Journal.

The roll was called, and the motion, as amended, carried by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Burns, Michael J., Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Donihue, Flint, Fulcher, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Morgan, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Watson, Weber, Welsh, Yorty, and Mr. Speaker—57.

**NOES**—Cunningham, Dilworth, Donnelly, Field, Gannon, Mayo, Millington, Scudder, and Walker—9.

**Guests Extended Privilege of Assembly Floor.**

On request of Mr. Yorty, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Harry Hasmet and James Burford.

On request of Mr. Meehan, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Wm. Joseph Ahern.

On request of Mr. Weber, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Martel Wilson.

On request of Mr. Turner, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Emory Gay Hoffman, secretary of Kern County Chamber of Commerce.

On request of Mr. Garland, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to J. P. Harris and C. W. Rhee of Visalia.

On request of Mr. Tenney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Pierson M. Hall of Los Angeles.

On request of Mr. Stream, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Captain Otto Langer, State Highway Patrol, San Diego.

On request of Mr. Mayo, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Allen G. "Scoop" Thurman of Colfax.

On request of Mr. Hunt, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Patrick C. Clunie.

On request of Mr. Tenney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to J. Vernon Burke, secretary of Labor's Non-Partisan League of California.

On request of Mr. Tenney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Captain Verden M. Moffitt, Pomona.

On request of Mr. Donnelly, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Floyd B. Pierson, Frank B. Pierson and Miss Leola F. Pierson of Turlock.

On request of San Francisco Delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. P. J. McMurray, Mr. and Mrs. Bert McMurray, Miss Marie McMurray, Mrs. George Ryder, Mrs. Jean Buckley, and Marylee McMurray.

On request of Mr. Desmond, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Myrtle Ralston and Etalia Hardan, teachers, and the following students of Bates Joint Union Grammar School, Courtland: Enrieo Cortopassi, Doris Hansen, Barbara Andres, Walter Prue, John Wheeler, Jr., Phyllis Car, Margaret Nethereott, Bruna Fava, Isabell Rose, Bernice Ensley, Mereer Runyon, Jr., Lejune Gier, Inez Himebaugh, Vivian Potts, Angelina Zayas, Eleanor Grishaber, Florence Cassie, Roy Massoni, Frank Gouveia, Richard Crozier, Mildred Roberts, David Dunsmoore, Juanita Roten, Mary Uyeda, Emy Inouye, May Jon, Aliee Jang, May King, Stella Ou, Hideka Ito, Basilia Mondejar, Dewing Chew, Junior Hing, Harvey Chow, Charlie Chan, Edgar Jang, Kern Chew, Who Who Lum, John Muranishi, John Nishimura, Satru Shimazu, and Yoshio Hirai.

**Adjournment.**

At ten o'clock p.m., on motion of Mr. Welsh, the Speaker declared the Assembly adjourned this day until ten o'clock a.m., Thursday, March 10, 1938.

DAVID V. OLIVER, Minute Clerk.



CALIFORNIA LEGISLATURE  
FIFTY-SECOND (EXTRAORDINARY) SESSION

# ASSEMBLY DAILY JOURNAL

FOURTH LEGISLATIVE DAY  
FOURTH CALENDAR DAY

## IN ASSEMBLY

ASSEMBLY CHAMBER,  
SACRAMENTO, Thursday, March 10, 1938.

At ten o'clock, a.m., pursuant to adjournment, the Assembly was called to order.

Hon. William Moseley Jones, Speaker of the Assembly, in the chair.  
Chief Clerk James G. Smyth at the desk.

### Roll Call.

The roll was called, and the following members answered to their names:

Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuebel, Latham, Laughlin, Leonard, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Seudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—74.

Quorum present.

### Prayer.

Prayer was offered by Rev. William F. Ehman, Chaplain of the Assembly.

### Reading of the Journal Dispensed With.

On motion of Mr. Boyle, the further reading of the Journal of Wednesday, March 9, 1938, was dispensed with.

### Leaves of Absence for the Day.

The following members were granted leaves of absence for the day: Messrs. Levey, Cronin and Williamson, on motion of Mr. Dawson. Mr. O'Donnell, on motion of Mr. Turner.

### Special Order.

The hour of ten o'clock a.m., having arrived, the special order heretofore set for this hour was taken up for consideration.

Proceedings Relative to House Resolution No. 29.

**House Resolution No. 29**—Subpoena for Thomas J. Mooney and Warden Court Smith to appear before Assembly.

### Motion to Broadcast Proceedings.

Mr. Tenney moved that the proceedings relative to House Resolution No. 29 be broadcast.

### Motion for Call of the Assembly.

Pending the announcement of the vote, Mr. Tenney moved a call of the Assembly.

Motion lost by the following vote:

AYES—Andreas, Boyle, Burns, Michael J., Cassidy, Clark, Crowley, Donihue, Flint, Gilbert, Glick, Hawkins, Hunt, Lore, McMurray, Meehan, Miller, Eleanor;

Miller, George P., Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Tenney, Voigt, Weber, Welsh, Yorty, and Mr. Speaker—29.

NOES—Breed, Burns, Hugh M., Call, Corwin, Cottrell, Cunningham, Dawson, Dilworth, Donnelly, Field, Fulcher, Gannon, Garibaldi, Heisinger, Johnson, Kepple, Kuchel, Latham, Leonard, Lyon, Maloney, Mayo, Millington, Morgan, Muldoon, Peyser, Redwine, Robertson, Sawallisch, Seudder, Sheehan, Stream, Thorp, Turner, Walker, and Watson—36.

The question being on the motion to broadcast the proceedings.

Motion lost by the following vote:

AYES—Andreas, Boyle, Burns, Michael J., Cassidy, Clark, Crowley, Flint, Gilbert, Glick, Hawkins, Hunt, Lore, Maloney, McMurray, Meehan, Miller, George P., Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Sawallisch, Sheehan, Tenney, Turner, Voigt, Welsh, Yorty, and Mr. Speaker—30.

NOES—Breed, Burns, Hugh M., Call, Corwin, Cottrell, Cunningham, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Heisinger, Johnson, Kepple, Kuchel, Latham, Leonard, Lyon, Mayo, Miller, Eleanor, Millington, Morgan, Muldoon, Peyser, Redwine, Robertson, Seudder, Stream, Thorp, Walker, Watson, and Weber—37.

**Proceedings Relative to House Resolution No. 29 Considered in Committee of the Whole.**

On motion of Mr. Richie, the proceedings relative to House Resolution No. 29 were considered in the Committee of the Whole.

**Recess.**

At twelve o'clock and five minutes p.m., on motion of Mr. King, the Assembly was declared at recess until two o'clock p.m.

**Reassembled.**

At two o'clock p.m., the Assembly reconvened.

Speaker Jones in the chair.

**Further Consideration of Special Order.**

**Further Proceedings Relative to House Resolution No. 29 Considered in Committee of the Whole.**

On motion of Mr. Richie, further proceedings relative to House Resolution No. 29 were considered in the Committee of the Whole.

**Mr. Mooney and Warden Smith Instructed to Remain in Assembly Chamber.**

On motion of Mr. Tenney, Mr. Mooney and Warden Smith were instructed to remain in the Assembly Chamber pending the consideration of Assembly Concurrent Resolution No. 12.

**Consideration of Assembly Concurrent Resolution No. 12.**

**Assembly Concurrent Resolution No. 12**—Relative to granting a full and complete pardon to Thomas J. Mooney.

**Demand for Previous Question.**

Messrs. Heisinger, Dannenbrink, Morgan, Andreas, and Mrs. Daley demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Concurrent Resolution No. 12.

**Call of the Assembly.**

Pending the announcement of the vote, Mr. Richie moved a call of the Assembly.

Motion carried. Time, four o'clock and five minutes p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in all absent members.

**Proceedings Under Call of the Assembly by Unanimous Consent.**

**Senate Messages.**

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 9.

Assembly Joint Resolution No. 1.

Assembly Joint Resolution No. 2.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

The above reported bills ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Concurrent Resolution No. 7—Relative to a Commission on Inter-Governmental Cooperation.

Senate Joint Resolution No. 2—Relative to memorializing the President and the Congress of the United States to make available Federal funds for flood relief.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

Senate Concurrent Resolution No. 7 read, and ordered placed upon the calendar without reference to committee.

Senate Joint Resolution No. 2 read, and ordered placed upon the calendar without reference to committee.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, the following:

Senate Bill No. 5—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipal corporations where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipal corporation voting upon the question of incurring such bonded indebtedness; providing for a levy of taxes to pay the principal and interest of such bonds; and declaring the urgency of this act.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

Senate Bill No. 5 read first time.

**Request for Unanimous Consent.**

Mr. Latham asked for, and was granted, unanimous consent to take up Senate Bill No. 5, at this time, without reference to calendar.

**Consideration of Senate Bill No. 5.**

**Case of Urgency.**

The following resolution was offered:

By Mr. Latham:

Resolved, That Senate Bill No. 5 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donibue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Peyser, Reaves, Redwine,

Rosenthal, Sawallisch, Scudder, Sheehan, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—62.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Senate Bill No. 5, at this time.

#### Second Reading of Senate Bill No. 5.

**Senate Bill No. 5**—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipal corporations where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipal corporation voting upon the question of incurring such bonded indebtedness; providing for a levy of taxes to pay the principal and interest of such bonds; and declaring the urgency of this act.

Bill read second time.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M. Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Redwine, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—66.

NOES—None.

#### Third Reading of Senate Bill No. 5.

**Senate Bill No. 5**—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipal corporations where authority for such issuance has been given by a vote of not less than two-thirds of the electors of such municipal corporation voting upon the question of incurring such bonded indebtedness; providing for a levy of taxes to pay the principal and interest of such bonds; and declaring the urgency of this act.

Bill read third time, and passed by the following vote:

AYES—Andreas, Beene, Boyle, Breed, Burns, Hugh M. Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Yorty, and Mr. Speaker—63.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

#### Senate Message.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

**Senate Bill No. 4**—An act to add section 508 to the Streets and Highways Code, relating to State highways.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

Senate Bill No. 4 read first time, and ordered placed upon the calendar without reference to committee.

#### Reconsideration of Assembly Joint Resolution No. 3.

In compliance with a notice given on a previous day, Mr. Heisinger moved that the vote whereby Assembly Joint Resolution No. 3 was refused adoption, be reconsidered.



The roll was called, and Assembly Joint Resolution No. 3 reconsidered by the following vote:

**AYES**—Andreas, Baynham, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Donnelly, Field, Fulcher, Gannon, Garibaldi, Gilbert, Hawkins, Heisinger, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, McMurray, Meehan, Miller, Eleanor; Miller, George P., Patterson, Peek, Pelletier, Rosenthal, Sawalisch, Scudder, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Yorty, and Mr. Speaker—50.

**NOES**—Cottrell, Crowley, Hornblower, Millington, Morgan, Muldoon, Reaves, and Sheehan—8.

**Consideration of Assembly Joint Resolution No. 3.**

**Assembly Joint Resolution No. 3**—Relative to memorializing and petitioning the President of the United States and the Congress to enact legislation providing mediation and arbitration of labor disputes.

**Motion to Amend Assembly Joint Resolution No. 3.**

Mr. Heisinger moved to amend Assembly Joint Resolution No. 3 as follows:

**Amendment No. 1.**

On page 1 of the printed measure, strike out lines 12 to 16, inclusive.

**Amendment No. 2.**

On page 1, line 24, of the printed measure, strike out "bringing about mediation and arbitration," and strike out lines 25 and 26, and insert in lieu thereof the following: "encouraging mediation and arbitration in labor disputes in order to promote industrial peace and stability; and be it further".

Amendments adopted.

Assembly Joint Resolution No. 3 ordered to reprint and considered re-engrossed.

**Second Reading of Assembly Bills.**

**Assembly Bill No. 28**—An act to amend the title and sections 2, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 18.1, 19, 19.1, 20, 21, 22, 23, 24, 25 and 25.1 and to repeal sections 3, 4 and 5 of an act entitled, "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, relating to agricultural proration programs and the enforcement thereof, and the transfer of administration of said act from the Agricultural Prorate Commission to the Director of the State Department of Agriculture.

Bill read second time, and considered engrossed.

**Assembly Bill No. 29**—An act to add to sections 6 and 7 of an act entitled, "An act to provide for State Planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof," approved June 14, 1935, conferring upon the State Planning Board certain powers, duties, and jurisdiction over public corporations created for the purpose of engaging in low cost housing and slum clearance and defining the scope thereof, to declare an emergency and to take effect immediately.

**Motion to Amend Assembly Bill No. 29.**

The following amendment was submitted by Mr. Yorty:

**Amendment No. 1.**

On page 1, line 11, of the printed bill, after the word "authorities", insert the following: "but this provision shall not authorize any action by the board which is inconsistent with any rule, regulation or requirement of any authorized Federal agency".

Amendment adopted. Bill read second time, ordered to reprint, and considered engrossed.

**Third Reading of Assembly Bills.**

**Assembly Bill No. 5**—An act to add Chapter IXa, consisting of sections 3857 to 3859.20, inclusive to Title IX of Part III of the Political Code, relating to property taxation.

Bill read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Call, Corwin, Cottrell, Cunningham, Daley, Dannenbrink, Dawson, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Hawkins, Heisinger, Hornblower, Johnson, King, Latham, Laughlin, Leonard, Lore, Maloney, McMurray, Meehan, Miller, Eleanor, Millington, Morgan, Muldoon, O'Donnell, Peck, Pelletier, Peyser, Reaves, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Voigt, Walker, Watson, Weber, Yorty, and Mr. Speaker—55.

NOES—Cassidy, Crowley, Desmond, and Kuchel—4.

Title read and approved. Bill ordered transmitted to the Senate.

**Introduction and Reference of Bills.**

The following bills were introduced:

**Assembly Concurrent Resolution No. 15:** By Messrs. Burns, Hugh M., and Heisinger—Relative to the relief of the hardship and destitution in Fresno County caused by the recent floods.

**Request for Unanimous Consent.**

Mr. Burns, Hugh M., asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 15, at this time, without reference to print or calendar, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 15.**

**Assembly Concurrent Resolution No. 15**—Relative to the relief of the hardship and destitution in Fresno County caused by the recent floods.

Assembly Concurrent Resolution No. 15 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Cassidy, Corwin, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Johnson, King, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peck, Pelletier, Peyser, Reaves, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, and Mr. Speaker—62.

NOES—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

**Assembly Concurrent Resolution No. 16:** By Messrs. Miller, Dannenbrink, and Crowley—Relative to housing conditions at the Veterans' Home of California.

Introduced, and ordered placed upon the calendar without reference to committee.

**Assembly Joint Resolution No. 9:** By Messrs. Miller, and Dannenbrink—Relative to memorializing the Congress of the United States to extend assistance to the American Merchant Marine.

Introduced, and ordered placed upon the calendar without reference to committee.

**Assembly Joint Resolution No. 10:** By Mr. King—Relative to memorializing Congress to enact, and the President to approve, the proposed General Welfare Act.

Introduced, and ordered placed upon the calendar without reference to committee.

**Consideration of House Resolution No. 38.**

**House Resolution No. 38**—Urging support of House of Representatives Bill No. 8430, proposing the construction of a tunnel to connect San Pedro and Terminal Island.

**House Resolution No. 38** read, and adopted.

**Consideration of House Resolution No. 39.**

**House Resolution No. 39**—Relative to State Relief Administration unemployed camps.

**House Resolution No. 39** read, and adopted.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 22**—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817e6, and 3817k thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales.

Bill read third time, and passed by the following vote:

**AYES**—Baynham, Beene, Boyle, Breed, Burns, Hugh M., Call, Cassidy, Clark, Corwin, Cottrell, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, McMurray, Mechan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Yorty, and Mr. Speaker—65.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Bill No. 10**—An act to amend sections 8, 9, 12, 25, 33, 38a, 39, 42, 49, 78, 83, 85a, 86, and 108 of, and to add sections 3a, 33a, 75a and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a Retirement System for Employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of employees of the University of California and making an appropriation therefor.

**Motion to Amend Assembly Bill No. 10.**

Mr. Dannenbrink moved to amend Assembly Bill No. 10 as follows:

**Amendment No. 1.**

Strike out line 1 of the title of the printed bill, and insert in lieu thereof the following:

"An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78".

**Amendment No. 2.**

Strike out line 2 in the title of the printed bill, and insert in lieu thereof the following: "83, 85a and 86 of, and to add sections 3a, 75a,".

**Amendment No. 3.**

On page 1, line 7 of the title of the printed bill, after "to", insert the following: "the State Employment Retirement System and".

**Amendment No. 4.**

On page 1, lines 7 and 8 of the title of the printed bill, strike out "and making an appropriation therefor".

**Amendment No. 5.**

On page 1, line 1, of the printed bill, after "added to", strike out "said Act", and insert in lieu thereof the following: "the act cited in the title hereof".

**Amendment No. 6.**

On page 1, line 4, of the printed bill, strike out "or", and insert in lieu thereof the following: "and shall also mean".

**Amendment No. 7.**

On page 2 of the printed bill, strike out line 1, and insert in lieu thereof the following: "before the 27th day of August 1937, and allowable as pro-".

**Amendment No. 8.**

On page 2 of the printed bill, between lines 2 and 3, insert the following:

"SEC. 4. Section 10 of said act is hereby amended to read as follows:

Sec. 10. "Continuous service" as applied to "prior service" shall mean all prior service, regardless of interruptions in such service, and as applied to service as a member shall mean uninterrupted employment in State service, except as provided by section 47 hereof, and, except that when for any cause whatever, a member discontinues State service but subsequently reenters such service within three years from the date of the discontinuance, such interruption shall not be deemed to break the continuity of service;"

**Amendment No. 9.**

On page 2, line 3, of the printed bill, strike out "4", and insert in lieu thereof the following: "5".

**Amendment No. 10.**

On page 2, line 7, of the printed bill, strike out "Regents of the University of California", and insert in lieu thereof the following: "university".

**Amendment No. 11.**

On page 2 of the printed bill, strike out lines 12 to 24, inclusive.

**Amendment No. 12.**

On page 2, line 29, of the printed bill, after "contractors", insert the following: "who are not employees".

**Amendment No. 13.**

On page 2 of the printed bill, strike out lines 30 to 36, inclusive.

**Amendment No. 14.**

On page 2, line 37, of the printed bill, strike out "8", and insert in lieu thereof the following: "7".

**Amendment No. 15.**

On page 2, line 42, of the printed bill, after "university", insert the following: ", and employees or appointees of the university having such academic rank that they would participate in the retiring annuities system of the university except for special conditions of their employment or appointment which prevents such participation."

**Amendment No. 16.**

On page 2, line 44, of the printed bill, strike out "9", and insert in lieu thereof the following: "8".

**Amendment No. 17.**

On page 2, line 47, of the printed bill, after "State", insert the following: ", other than the university,".

**Amendment No. 18.**

On page 2, line 51, of the printed bill, after "each", insert the following: "such".

**Amendment No. 19.**

On page 3, lines 2 and 3, of the printed bill, strike out "Regents of the University of California", and insert the following: "university".

**Amendment No. 20.**

On page 3, line 9, of the printed bill, strike out "10", and insert in lieu thereof the following: "9".

**Amendment No. 21.**

On page 3, lines 16 and 17, of the printed bill, strike out "Regents of the University of California", and insert in lieu thereof the following: "university".

**Amendment No. 22.**

On page 3, line 17, of the printed bill, insert a comma after "elected".

**Amendment No. 23.**

On page 3, line 27, of the printed bill, after "of", strike out "the", and insert in lieu thereof the following: "said".

**Amendment No. 24.**

On page 3, line 35, of the printed bill, strike out "11", and insert in lieu thereof the following: "10".

**Amendment No. 25.**

On page 3, line 38, of the printed bill, after "person", insert the following: "other than persons who are employees of the university at the time of becoming members of the retirement system,".

**Amendment No. 26.**

On page 3, line 39, of the printed bill, strike out "excluding employees of the university,".

**Amendment No. 27.**

On page 3 of the printed bill, strike out lines 44 to 47, inclusive, and insert in lieu thereof the following: "shall be granted to each person employed by the university at the time of becoming a member of the retirement system regardless of



whether he has been retired under the system prior to the effective date hereof who rendered such service as defined in this act and who has become a member of the retirement system on August 27, 1937, or within three years after last rendering prior".

**Amendment No. 28.**

On page 4, line 9, of the printed bill, strike out "12", and insert in lieu thereof the following: "11".

**Amendment No. 29.**

On page 4, line 21, of the printed bill, after "member", insert the following: "based on State service which will be credited under said retiring annuities system".

**Amendment No. 30.**

On page 4, line 24, of the printed bill, after "act", insert the following: "on account of State service which will be credited under said retiring annuities system".

**Amendment No. 31.**

On page 4, line 31, of the printed bill, after "section," insert the following: "or in the event that part of the accumulated contributions of said member is not transferred,".

**Amendment No. 32.**

On page 4, line 32, of the printed bill, after "act," insert the following: "and with respect to all of said accumulated contributions not transferred,".

**Amendment No. 33.**

On page 4, line 34, of the printed bill, strike out "13", and insert in lieu thereof the following: "12".

**Amendment No. 34.**

On page 4 of the printed bill, strike out lines 40 to 42, inclusive, and insert in lieu thereof the following: "who becomes a member and who, at the time of becoming such member, has attained the age of 70 years, shall be".

**Amendment No. 35.**

On page 4, line 49, of the printed bill, strike out "other member", and insert in lieu thereof the following: "other than one who is also a member of the California Highway Patrol,".

**Amendment No. 36.**

On page 4, line 50, of the printed bill, after "years", insert a comma.

**Amendment No. 37.**

On page 4, line 51, of the printed bill, strike out "other member", and insert in lieu thereof the following: "other than one who is also a member of the California Highway Patrol".

**Amendment No. 38.**

On page 5, line 2, of the printed bill, strike out "14", and insert in lieu thereof the following: "13".

**Amendment No. 39.**

On page 5 of the printed bill, strike out lines 4 to 6, inclusive, and insert in lieu thereof the following:

"SEC. 33. An additional pension, purchased by the contributions of the State, for members other than members of the California Highway Patrol and persons who are employees of the university at the time of becoming members."

**Amendment No. 40.**

On page 5, line 16, of the printed bill, strike out "15", and insert in lieu thereof the following: "14".

**Amendment No. 41.**

On page 5, lines 18 and 19, of the printed bill, strike out "for members who are also employees of the university".

**Amendment No. 42.**

On page 5, line 20, of the printed bill, after "State", insert the following: "for members who are also employees of the university at the time of becoming members, said additional pension to accrue from the date of retirement under the system regardless of whether such retirement was prior to the effective date hereof".

**Amendment No. 43.**

On page 5, line 29, of the printed bill, after "university", insert the following: "at the time of becoming a member,".

**Amendment No. 44.**

On page 5, lines 33 and 34, of the printed bill, strike out "January 1, 1938". and insert in lieu thereof the following: "August 27, 1937".

**Amendment No. 45.**

On page 5, line 36, of the printed bill, strike out "16", and insert in lieu thereof the following: "15".

**Amendment No. 46.**

On page 5, line 42, of the printed bill, strike out "of the Comptroller".

**Amendment No. 47.**

On page 6, line 10, of the printed bill, strike out "17", and insert in lieu thereof the following: "16".

**Amendment No. 48.**

On page 6, line 13, of the printed bill, after "Patrol", insert the following: "nor an employee of the university,".

**Amendment No. 49.**

On page 6, line 14, of the printed bill, insert a comma after "years".

**Amendment No. 50.**

On page 6, line 15, of the printed bill, strike out "83b", and insert in lieu thereof the following: "83".

**Amendment No. 51.**

On page 6, lines 23 and 24, of the printed bill, strike out "to 83b, both inclusive. The allowance", and insert in lieu thereof the following: ", 82, and 83a of this act. Upon retirement for disability a member who is an employee of the university and who has attained the age of 60 years shall receive a service retirement allowance as provided in sections 81, 82 and 83b of this act. The allowance for a member who is also a member of the California Highway Patrol".

**Amendment No. 52.**

On page 6, line 27, of the printed bill, after "Every", strike out "other".

**Amendment No. 53.**

On page 6, line 28, of the printed bill, after "disability", insert the following: "other than one who has attained the age of 60 years or is a member of the California Highway Patrol,".

**Amendment No. 54.**

On page 6 of the printed bill, strike out lines 30 to 52, inclusive, and on page 7, strike out lines 1 to 27, inclusive.

Amendments adopted.

**Request for Unanimous Consent.**

Mr. Dannenbrink asked for, and was granted, unanimous consent to take up Assembly Bill No. 10, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Consideration of Assembly Bill No. 10, as Amended.**

**Assembly Bill No. 10**—An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78, 83, 85a, and 86 of, and to add sections 3a, 75a, and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a Retirement System for Employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employment Retirement System and retirement of employees of the University of California.

Assembly Bill No. 10, as amended, read third time, and passed by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Gilbert, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuehel, Laughlin, Leonard, Lore, Maloney, McMurray, Meehan, Miller, Eleanor: Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peck, Pelletier, Reaves, Redwine, Robertson, Rosenthal, Sawallisch, Seudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, and Mr. Speaker—63.

**NOES**—None.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

**Assembly Bill No. 27**—An act to repeal section 3897 of the Political Code and to add thereto Chapter VIIIA, consisting of sections 3833 to 3836.2, relating to sale of tax-deeded lands.

**Motion to Amend Assembly Bill No. 27.**

Mr. Field moved to amend Assembly Bill No. 27 as follows:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "repeal", insert the following: "and add".

**Amendment No. 2.**

On page 1, line 2 of the title of the printed bill, strike out "thereto", and insert in lieu thereof the following: "to Title IX of Part III thereof".

**Amendment No. 3.**

On page 1, line 4, of the printed bill, after "added to", insert the following: "Title IX of Part III of".

**Amendment No. 4.**

On page 2, line 39, of the printed bill, after "collector", insert the following: "either".

**Amendment No. 5.**

On page 2, line 43, of the printed bill, strike out ", and also to", and insert in lieu thereof the following: "or, if no post office address is known, the tax collector shall make an affidavit of this fact and file it with the clerk of the board of supervisors. The tax collector shall also".

**Amendment No. 6.**

On page 3, lines 3 and 4, of the printed bill, strike out "three weeks", and insert in lieu thereof the following: "twenty-one days".

**Amendment No. 7.**

On page 3, line 6, of the printed bill, after "identification," insert the following: "the name of the person to whom the property was assessed, on the county assessment roll, for each year in which there may be delinquent taxes against the property or any part thereof,".

**Amendment No. 8.**

On page 4, lines 15 and 16, of the printed bill, strike out "three weeks", and insert in lieu thereof the following: "twenty-one days".

**Amendment No. 9.**

On page 4, line 25, of the printed bill, after "collector", insert the following: "either".

**Amendment No. 10.**

On page 4, line 30, of the printed bill, strike out ", and also to", and insert in lieu thereof the following: "or, if no post office address is known, the tax collector shall make an affidavit of this fact and file it with the clerk of the board of supervisors. The tax collector shall also".

**Amendment No. 11.**

On page 5, line 50, of the printed bill, after "roll", insert the following: "and sale and deed numbers,".

**Amendment No. 12.**

On page 7 of the printed bill, following line 8, add the following:

"SEC. 3. Section 3897 is hereby added to the Political Code to read as follows: 3897. Wherever by the provisions of any statute now in force, or enacted by the session of the Legislature which enacts this section, reference is made to section 3897 of the Political Code, such reference shall be construed to refer to Chapter VIIIA of Title IX of Part III of the Political Code with the same effect as though such chapter were specifically mentioned in the statute."

Amendments adopted.

**Request for Unanimous Consent.**

Mr. Field asked for, and was granted, unanimous consent to take up Assembly Bill No. 27, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Consideration of Assembly Bill No. 27, as Amended.**

**Assembly Bill No. 27**—An act to repeal and add section 3897 of the Political Code and to add to Title IX of Part III thereof Chapter VIIIA, consisting of sections 3833 to 3836.2, relating to sale of tax-deeded lands.

**Motion to Amend Assembly Bill No. 27.**

Mr. Heisinger moved to amend Assembly Bill No. 27 as follows:

**Amendment No. 1.**

On page 2 of the printed bill, strike out lines 6 to 52, inclusive, and on page 3, strike out lines 1 to 16, inclusive.

**Amendment No. 2.**

On page 3, line 18, of the printed bill, strike out "3", and insert in lieu thereof the following: "2".

**Amendment No. 3.**

On page 4, line 10, of the printed bill, after the word "once", insert the following: "a week for three weeks".

**Amendment No. 4.**

On page 4, line 49, of the printed bill, strike out "4", and insert in lieu thereof the following: "3".

**Amendment No. 5.**

On page 5, line 42, of the printed bill, strike out "5", and insert in lieu thereof the following: "4".

**Amendment No. 6.**

On page 6, line 39, of the printed bill, strike out "6", and insert in lieu thereof the following: "5".

Amendments refused adoption by the following vote:

**AYES**—Burns, Michael J., Clark, Desmond, Donihue, Donnelly, Heisinger, King, Mayo, O'Donnell, Patterson, Peek, Tenney, Turner, Watson, and Yorty—15.

**NOES**—Andreas, Beene, Boyle, Breed, Cassidy Corwin, Cottrell, Daley, Dannenbrink, Dawson Field, Fulcher, Gannon, Garibaldi, Gilbert, Hawkins, Hornblower, Johnson, Kepple, Kuchel, Leonard, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, Pelletier, Reaves, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Stream, Walker, Weber, and Mr. Speaker—11.

**Motion to Amend Assembly Bill No. 27.**

Mr. Heisinger moved to amend Assembly Bill No. 27 as follows:

**Amendment No. 1.**

On page 2, line 49, of the printed bill, strike out "may, in their discretion," and insert in lieu thereof the following: "shall".

**Amendment No. 2.**

On page 2, line 50, of the printed bill, after "once", insert the following: "a week for three weeks".

**Amendment No. 3.**

On page 4, line 10, of the printed bill, after "once", insert the following: "a week for three weeks".

Amendments adopted by the following vote:

**AYES**—Andreas, Baynham, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Crowley, Daley, Donihue, Donnelly, Flint, Fulcher, Gilbert, Glick, Hawkins, Heisinger, Johnson, Kepple, King, Kuchel, Leonard, Lore, Maloney, Mayo, Meehan, Miller, George P., Millington, O'Donnell, Patterson, Peek, Pelletier, Reaves, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Watson, Weber, Welsh, Yorty, and Mr. Speaker—48.

**NOES**—Beene, Breed, Cottrell, Dannenbrink, Dawson, Field, Gannon, Hornblower, Miller, Eleanor; Morgan, and Walker—11.

**Request for Unanimous Consent.**

Mr. Field asked for, and was granted, unanimous consent to take up Assembly Bill No. 27, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Consideration of Assembly Bill No. 27, as Amended.**

**Assembly Bill No. 27**—An act to repeal and add section 3897 of the Political Code and to add to Title IX or Part III thereof Chapter VIIIa, consisting of sections 3833 to 3836.2, relating to sale of tax-deeded lands.

Assembly Bill No. 27, as amended, read third time, and passed by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Leonard, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Yorty, and Mr. Speaker—62.

**NOES**—None.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

**Message from the Governor.**

The following message from the Governor was received, read and ordered printed in the Journal:

**EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.****Proclamation by the Governor Amending the Proclamation Convening the Legislature in Extraordinary Session.**

**WHEREAS**, The Legislature of the State of California convened on March 7, 1938, in extraordinary session, pursuant to a proclamation of the Governor dated March 5, 1938, and is now in session; and

**WHEREAS**, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, FRANK F. MERRIAM, by virtue of the power vested in me by law, do issue this my proclamation amending the aforesaid proclamation convening the Legisla-



ture of the State of California, by adding the following purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, to wit:

37. To consider and act upon an act to appropriate, in addition to aid otherwise provided to counties, \$6,000,000 to the counties of the State for maintaining or supporting aged persons who come within the provision of the Old Age Security Law.

38. To consider and act upon an amendment to Chapter six hundred nine (609) of the Statutes of 1931 prohibiting the sale of motor vehicle fuels at less than the price displayed and preventing the evasion of such prohibition.

39. To consider and act upon an act relating to soil conservation through the prevention or control of soil erosion, and to create a Soil Conservation Committee and to define its duties and authority.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this tenth day of March in the year of our Lord 1938.

[SEAL]

FRANK F. MERRIAM,  
Governor of California.

Attest:

FRANK C. JORDAN,  
Secretary of State.

By CHAS. J. HAGERTY,  
Deputy Secretary of State.

### Introduction and Reference of Bills—(Resumed).

The following bill was introduced:

**Assembly Bill No. 30:** By Messrs. Boyle, and Hornblower—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties.

Bill read first time, and ordered placed upon the calendar without reference to committee.

### Unanimous Consent to Record Votes Granted.

By unanimous consent, the votes of Messrs. Lyon, Muldoon and Glick were placed upon the pending roll call of Assembly Concurrent Resolution No. 12.

### Motion to Print Report in Journal.

On motion of Mr. Yorty, the following recapitulation of interim committee expenditures, as requested under House Resolution No. 21, was ordered printed in the Journal:

#### Interim Committees.

HOUSE RESOLUTION NO. 171, AS AMENDED MAY 20, 1937.

<i>Committee</i>	<i>Total Amount of Resolution</i>	<i>Amount Transferred</i>	<i>Date Transfer Approved</i>	<i>Balance</i>
	\$25,000.00			
Agricultural		\$700	Resol 5/20/37	
Civil Service		700	Resol 5/20/37	
Coordinating		700	Resol 5/20/37	
Fish and Game		700	Resol 5/20/37	
Governmental Efficiency		700	Resol 5/20/37	
Judiciary		700	Resol 5/20/37	
Labor and Capital		700	Resol 5/20/37	
Motor Vehicle		700	Resol 5/20/37	
Public Morals		700	Resol 5/20/37	
Revenue and Taxation		700	Resol 5/20/37	
Social Welfare		700	Resol 5/20/37	
Governmental Efficiency		700	Letter 11/24/37	
Labor and Capital		1500	Letter 11/24/37	
Labor and Capital		500	Letter 12/6/37	
Governmental Efficiency		200	Letter 12/6/37	
Coordinating		500	Letter 12/6/37	
Social Welfare		100	Letter 1/31/38	
Social Welfare		250	Letter 2/4/38	
Coordinating		500	Letter 2/5/38	
Coordinating		713.41	Letter 2/19/38	\$12,336.59

### Senate Messages.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

**Senate Joint Resolution No. 1**—Relative to memorializing Congress in relation to California's opposition to reciprocal trade-agreements concerning agricultural products;

**Senate Joint Resolution No. 3**—Relative to memorializing Secretary of Agriculture Henry A. Wallace;

**Senate Bill No. 6**—An act to amend sections 3664b, 3666a, 3668b, 3668c and 3669 of the Political Code, all relating to the taxation of insurance companies and associations under the provisions of Article XIII of the Constitution of this State, and providing that this act shall take effect upon the effective date of Senate Constitutional Amendment No. 1, proposed at the extraordinary session of the Legislature commencing on the seventh day of March, 1938.

**Senate Bill No. 2**—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817c6, and 3817k thereto, relating to taxation and assessment, including payment and taxes in installments and tax redemption from tax sales.

Senate Joint Resolution No. 1 read, and ordered placed upon the calendar without reference to committee.

Senate Joint Resolution No. 3 read, and ordered placed upon the calendar without reference to committee.

Senate Bill No. 6 read first time, and ordered placed upon the calendar without reference to committee.

Senate Bill No. 2 read first time, and ordered placed upon the calendar without reference to committee.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

**Assembly Bill No. 16**

**Assembly Joint Resolution No. 5**

**Assembly Concurrent Resolution No. 9**

**Assembly Concurrent Resolution No. 10**

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

The above reported bills ordered to enrollment.

### Resolution.

The following resolution was offered:

By Mr. Tenney:

**House Resolution No. 44.**

Relating to requesting an increase in State Relief Administration budgets.

WHEREAS, The State Relief Administration of California is responsible for assistance to those employable persons who are temporarily unemployed; and

WHEREAS, The relief granted provides for rent, utilities, and food only; and

WHEREAS, All fair relief budgets include allowances for such necessities as clothing and household essentials; and

WHEREAS, The cost of both rent and food have increased; now, therefore, be it

*Resolved by the Assembly of the State of California*, That this body goes on record favoring an increase of the budget of at least 20 per cent for all families receiving assistance from the State Relief Administration; and be it further

*Resolved*, That the Governor of the State of California be requested to instruct the Director of the State Relief Administration to grant the necessary increases in the budgets of the relief grants.

House Resolution No. 44 ordered printed in the Journal.

### Introduction and Reference of Bills—(Resumed).

The following bills were introduced:

**Assembly Bill No. 31:** By Mr. O'Donnell—An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and

defining their powers; and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Bill No. 32:** By Messrs. Clark, and Peek—An act relating to tide and submerged lands granted by the State to cities, counties, cities and counties and to other political subdivisions; consenting to suits against the State in connection therewith; providing for the extraction and removal of oil and gas therefrom; and repealing acts or parts of acts in conflict therewith.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Joint Resolution No. 11:** By Messrs. Garland, and Burns, Hugh M.—Relative to memorializing the President and the Congress to enact the bill now pending before the Congress relating to the control of venereal diseases.

Introduced, and ordered placed upon the calendar without reference to committee.

### Special Orders.

The hour of eight o'clock and thirty minutes p.m., having arrived, the special orders heretofore set for this hour were taken up for consideration.

#### Consideration of Assembly Bill No. 23.

**Assembly Bill No. 23**—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately.

#### Motion for Committee of the Whole.

Mr. Burns, Michael J., moved that the Assembly resolve itself into a Committee of the Whole for the consideration of Assembly Bill No. 23.

#### Demand for Previous Question.

Messrs. Morgan, Andreas, Daley, Glick, and Johnson demanded the previous question.

Demand for previous question sustained.

The question being on the motion that the Assembly resolve itself into a Committee of the Whole for the consideration of Assembly Bill No. 23.

The roll was called, and the motion carried by the following vote:

AYES—Boyle, Burns, Michael J., Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Gannon, Gilbert, Glick, Hawkins, Heisinger, Hunt, King, Kuchel, Laughlin, Lore, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, O'Donnell, Patterson, Peek, Reaves, Rosenthal, Sawallisch, Seudder, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Yorty, and Mr. Speaker—49.

NOES—Andreas, Baynham, Breed, Burns, Hugh M., Call, Daley, Fulcher, Garibaldi, Garland, Hornblower, Johnson, Kepple, Leonard, Muldoon, Robertson, and Sheehan—16.

**Assembly Bill No. 23 Considered in Committee of the Whole.**

Pursuant to the above motion Assembly Bill No. 23 was considered in the Committee of the Whole.

**Further Consideration of Assembly Bill No. 23.**

**Assembly Bill No. 23**—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately.

**Committee Amendments to Assembly Bill No. 23.**

The following amendments to Assembly Bill No. 23 were submitted by the Committee of the Whole:

**Amendment No. 1.**

On page 3, line 45, of the printed bill, strike out all of the line following the period, and all of lines 46 to 51, inclusive.

**Amendment No. 2.**

On page 4 of the printed bill, strike out all of lines 1 and 2.

**Amendment No. 3.**

On page 4 of the printed bill, strike out all of lines 11 to 13, inclusive, and insert in lieu thereof the following: "In the case of horticultural or viticultural products each producer shall be entitled to sign for the number of producing factors specified in the petition which he produced or possessed during the preceding season; or in the case of vegetable products or live stock and poultry and their products, the producing factor shall be based upon the actual acreage planted or live stock owned or the products thereof produced at the time he signs the petition."

Amendments adopted.

**Request for Unanimous Consent.**

Mr. O'Donnell asked for unanimous consent to take up Assembly Bill No. 23, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

Mr. Yorty withheld his consent.

**Motion for Temporary Suspension of the Rules.**

Mr. Donnelly moved that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 23, at this time.



The roll was called, and the Rules temporarily suspended by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, Kuehel, Latham, Laughlin, Leonard, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, O'Donnell, Pelletier, Reaves, Robertson, Roseuthal, Sawalliseh, Seudder, Sheehan, Stream, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, and Mr. Speaker—59.

**NOES**—Clark, Hunt, King, Patterson, Tenney, and Yorty—6.

**Motion to Amend Assembly Bill No. 23.**

Mr. Donnelly moved to amend Assembly Bill No. 23 as follows:

**Amendment No. 1.**

On page 2, line 4, of the printed bill, strike out the period, and insert in lieu thereof, "or milk products."

Amendment adopted.

**Request for Unanimous Consent.**

Mr. O'Donnell asked for, and was granted, unanimous consent to take up Assembly Bill No. 23, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Consideration of Assembly Bill No. 23, as Amended.**

**Assembly Bill No. 23**—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation thereof," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately.

Urgency clause read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Glick, Heisinger, Hornblower, Johnson, Kepple, Kuehel, Latham, Laughlin, Leonard, Lore, Maloney, Mayo, McMurray, Meehan, Millington, Morgan, O'Donnell, Riechie, Robertson, Sawalliseh, Seudder, Sheehan, Stream, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, and Mr. Speaker—55.

**NOES**—Clark, Gilbert, Hunt, Patterson, Pelletier, Reaves, Rosenthal, Tenney, and Yorty—9.

Assembly Bill No. 23 read third time, and passed by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Glick, Heisinger, Hornblower, Johnson, Kepple, Kuehel, Latham, Laughlin, Leonard, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, O'Donnell, Robertson, Sawalliseh, Seudder, Sheehan, Stream, Thorp, Turner, Voigt, Walker, Watson, Weber, and Welsh—54.

**NOES**—Clark, Crowley, Flint, Gilbert, Hawkins, Hunt, King, Miller, George P., Patterson, Peek, Pelletier, Reaves, Riechie, Rosenthal, Tenney, Yorty, and Mr. Speaker—17.

Title read and approved.

**Notice of Motion to Reconsider Assembly Bill No. 23.**

Mr. Tenney gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 23 was this day passed.

Assembly Bill No. 23 ordered reprinted.

## Consideration of Assembly Bill No. 28.

Case of Urgency.

The following resolution was offered:

By Mr. Burns, Michael J.:

*Resolved*, That Assembly Bill No. 28 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Hornblower, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Patterson, Peck, Pelletier, Reaves, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Thorp, Turner, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—63.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 28, at this time.

### Third Reading of Assembly Bill No. 28.

**Assembly Bill No. 28**—An act to amend the title and sections 2, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 18.1, 19, 19.1, 20, 21, 22, 23, 24, 25 and 25.1 and to repeal sections 3, 4 and 5 of an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an agricultural prorate commission; providing for the appointment of members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, relating to agricultural proration programs and the enforcement thereof, and the transfer of administration of said act from the agricultural prorate commission to the Director of the State Department of Agriculture.

### Call of the Assembly.

Pending the announcement of the vote, Mr. Burns, Michael J., moved a call of the Assembly.

Motion carried. Time, eleven o'clock p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in all absent members.

### Proceedings Under Call of the Assembly by Unanimous Consent.

#### Senate Message.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day adopted as amended,

#### Assembly Constitutional Amendment No. 1,

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

### Consideration of Senate Amendment to Assembly Constitutional Amendment No. 1.

**Assembly Constitutional Amendment No. 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding section 27 to Article VI thereof, relating to the retirement of judges.

The question being put: Shall the Assembly concur in the following Senate amendment to Assembly Constitutional Amendment No. 1?

#### Amendment No. 1.

On page 1 of the printed measure, strike out lines 10 to 23, inclusive, and insert in lieu thereof the following:

"Sec. 27. Every justice or judge heretofore or hereafter retired under any retirement act of this State shall continue to be a judicial officer in addition to those otherwise provided by law; provided, however, that a retired justice or judge shall exercise judicial functions only under assignment by the Chairman of the Judicial Council and shall receive therefor only such compensation as may be provided by the Legislature.

Chapters 770 and 771 of the Statutes of 1937 are hereby confirmed, ratified and declared to be valid and completely effective, but the Legislature may amend, repeal and supplement these statutes."

Senate amendment to Assembly Constitutional Amendment No. 1 concurred in by the following vote:

AYES—Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Hornblower, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Patterson, Peek, Pelletier, Reaves, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Thorp, Turner, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—63.

NOES—None.

Assembly Constitutional Amendment No. 1 ordered to enrollment.

### Request for Unanimous Consent.

Mr. Field asked for, and was granted, unanimous consent to take up Senate Bill No. 2, at this time, without reference to calendar.

### Consideration of Senate Bill No. 2.

#### Case of Urgency.

The following resolution was offered:

By Mr. Field:

*Resolved*, That Senate Bill No. 2 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, O'Donnell, Patterson, Peek, Pelletier, Reaves, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Walker, Watson, Weber, Yorty, and Mr. Speaker—65.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Senate Bill No. 2, at this time.

### Second Reading of Senate Bill No. 2.

**Senate Bill No. 2**—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817e6, 3817k, and 3817.1 thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, O'Donnell, Patterson, Peek, Pelletier, Reaves, Richie, Robertson, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Yorty, and Mr. Speaker—67.

NOES—None.



## Third Reading of Senate Bill No. 2.

**Senate Bill No. 2**—An act to amend section 3817g and to repeal section 3817j of the Political Code and to add sections 3817b6, 3817c6, 3817k, and 3817.1 thereto, relating to taxation and assessment, including payment of taxes in installments and tax redemption from tax sales, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and passed by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor, Miller, George P., Millington, Morgan, O'Donnell, Patterson, Peck, Pelletier, Reaves, Richie, Robertson, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weher, Welsh, Yorty, and Mr. Speaker—67.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Resolutions.**

The following resolutions were offered:

By Mr. Tenney:

**House Resolution No. 45.**

**WHEREAS**, Valuable information as to the case of Thomas J. Mooney has been disclosed in the proceedings of the Assembly sitting as a Committee of the Whole on March 10, 1938; and

**WHEREAS**, A stenographic report of the proceedings has been taken; and

**WHEREAS**, The printing of the transcript of such proceedings will serve a useful public purpose in disseminating information upon this subject; now, therefore, be it *Resolved by the Assembly of the State of California*, That the transcript of the proceedings in the matter of Thomas J. Mooney be printed in the daily Journal.

House Resolution No. 45 ordered printed in the Journal.

By Mr. Tenney:

**House Resolution No. 46.**

**WHEREAS**, Valuable information as to the case of Thomas J. Mooney has been disclosed in the proceedings of the Assembly sitting as a Committee of the Whole on March 10, 1938; and

**WHEREAS**, A stenographic report of the proceedings has been taken; and

**WHEREAS**, The printing of the transcript of such proceedings will serve a useful public purpose in disseminating information upon this subject; now, therefore, be it *Resolved by the Assembly of the State of California*, That the transcript of the proceedings in the matter of Thomas J. Mooney be prepared and that 10,000 copies thereof be printed and made available for public distribution; and he it further

*Resolved*, That the expense of preparing and printing such transcript be paid from any funds available for legislative printing.

House Resolution No. 46 ordered printed in the Journal.

By Mr. Reaves:

**House Resolution No. 47.**

Relative to collective bargaining.

**WHEREAS**, The Honorable Robert F. Wagner, United States Senator from the State of New York, has introduced a bill in the Senate of the United States providing for collective bargaining in contracts for and loans of funds of the United States and agencies thereof and in connection with other purposes; and

**WHEREAS**, The National Labor Relations Act embodies the public policy of the United States with respect to collective bargaining, and is now established upon a firm constitutional basis; and

**WHEREAS**, No sound reason appears why those receiving the benefits of Government contracts, loans or grants should be permitted at the same time to defy the letter or spirit of this fundamental and valid statute, and it is contrary to all sound principles for the Government itself to give effective aid to those violating the law of the land; and

**WHEREAS**, This question has been of pressing concern ever since the Federal Government has sought by law to insure the right of employees to organize and bargain collectively through representatives of their own choosing. It was a source of serious difficulty in the administration of section 7 (a) by the National Labor Board, and it has arisen time and again in the administration of subsequent legislation along the same lines. The matter came to a head when the Comptroller



Scudder, Sheehan, Stream, Thorp, Turner, Voigt, Walker, Watson, Weber, and Mr. Speaker—60.

NOES—Burns, Michael J., Flint, Heisinger, Hunt, King, Lore, Tenney, and Yorty—8.

**Motion to Reconsider Assembly Bill No. 23.**

In compliance with a notice previously given, Mr. O'Donnell moved that the vote whereby the Assembly on this day passed Assembly Bill No. 23 be reconsidered.

**Point of Order.**

Mr. Tenney arose to the following point of order: That Assembly Bill No. 23 must be reprinted after amendments are adopted, before further action can be taken.

**Ruling on Point of Order.**

The Speaker ruled the point of order well taken, thereby nullifying the passage of Assembly Bill No. 23.

**Motion to Expunge Record and Rescind Action on Assembly Bill No. 23.**

Mr. Desmond moved that the record be expunged, and the action rescinded whereby the Assembly, on this day, adopted amendments to Assembly Bill No. 23.

The roll was called, and the record expunged, and action rescinded by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Call, Cassidy, Corwin, Cottrell, Cunningham, Daley, Daunenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Hornblower, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, O'Donnell, Reaves, Robertson, Sawallisch, Scudder, Sheehan, Stream, Thorp, Voigt, Walker, Watson, Weber, and Mr. Speaker—53.

NOES—Burns, Michael J., Clark, Gilbert, Heisinger, Hunt, King, Patterson, Richie, Rosenthal, Tenney, and Yorty—11.

**Third Reading of Assembly Bill No. 23.**

**Assembly Bill No. 23**—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Heisinger, Hornblower, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, O'Donnell, Robertson, Sawallisch, Scudder, Sheehan, Stream, Turner, Walker, Watson, Weber, and Mr. Speaker—54.

NOES—Clark, Gilbert, King, Patterson, Reaves, Richie, Rosenthal, Tenney, Voigt, and Yorty—10.

Title read and approved. Bill ordered transmitted to the Senate.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 7**—An act to amend sections 86, 87 and 89 of the Agricultural Code, relating to agricultural districts and including

provision for leasing, letting and granting licenses for the use of property of such districts, declaring the urgency of this act, and providing that it shall take effect immediately.

**Motion to Amend Assembly Bill No. 7.**

Mr. Hornblower moved to amend Assembly Bill No. 7 as follows:

**Amendment No. 1.**

On page 1, line 1 of the title of the printed bill, after "of", insert a comma and the following: "and to add section 88.5 to,".

**Amendment No. 2.**

On page 1, line 4 of the title of the printed bill, after "districts," insert the following: "providing that the Director of Finance may make available certain State property for the use of such districts,".

**Amendment No. 3.**

On page 2 of the printed bill, strike out line 24, and insert in lieu thereof the following:

"Sec. 3. Section 88.5 is hereby added to the Agricultural Code to read as follows:

88.5. The Director of Finance may make available for the use of any district agricultural association any property of the State, suitable for the purposes of the district, which has been obtained by the State by gift from counties, cities and counties, or cities, or otherwise without cost to the State.

SEC. 4. Section 89 of the Agricultural Code is hereby".

**Amendment No. 4.**

On page 1 of the printed bill, strike out line 14, and insert in lieu thereof the following: "for any agricultural, horticultural, viticultural, or live stock fairs or expositions, floral displays, exhibitions of industries and industrial products."

**Amendment No. 5.**

On page 2 of the printed bill, strike out lines 16 to 23, inclusive, and insert in lieu thereof the following: "they may deem advisable, any agricultural, horticultural, viticultural, or live stock fairs or expositions, circus, floral displays, exhibitions of industries and industrial products,".

**Amendment No. 6.**

On page 2 of the printed bill, add section 2, paragraph "E", which is as follows:

"An agricultural association shall not lease its race track, for running races of horses, to any private person, firm or corporation except to a National or international exposition or its affiliated corporations or associations for the period of time now permitted by law for fairs. The provisions of this subdivision shall not apply to existing leases or extensions or renewals thereof."

Amendments adopted.

**Request for Unanimous Consent.**

Mr. Hornblower asked for, and was granted, unanimous consent to take up Assembly Bill No. 7, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Consideration of Assembly Bill No. 7, as Amended.**

**Assembly Bill No. 7**—An act to amend sections 86, 87 and 89 of, and to add section 88.5 to, the Agricultural Code, relating to agricultural districts and including provision for leasing, letting and granting licenses for the use of property of such districts, providing that the Director of Finance may make available certain State property for the use of such districts, declaring the urgency of this act, and providing that it shall take effect immediately.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, and Yorty—65.

NOES—None.

Assembly Bill No. 7, as amended, read third time, and passed by the following vote:

AYES—Andreas, Breed, Burns, Michael J., Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins,

Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Richie, Rohertson, Rosenthal, Sawalisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Yorty, and Mr. Speaker—62.

NOES—None.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

#### Resolution.

The following resolution was offered:

By Messrs. Garland, Call, Fulcher, McMurray, and Watson:

#### House Resolution No. 50.

Relative to requesting the Governor to fill the vacancies in the Fish and Game Commission.

WHEREAS, The people of the State of California, by and through the Legislature thereof, by Chapter 448 of the Statutes of 1937, amended the Fish and Game Code to increase the number of members on the Fish and Game Commission from three to five members; and

WHEREAS, Although this statute was approved by the Governor on June 19, 1937, and became effective on August 27, 1937, neither of the two additional offices has yet been filled; and

WHEREAS, A third vacancy exists because of the resignation of a member of the commission; and

WHEREAS, In order to adequately and fairly represent the conflicting interests of the people in all sections of this extensive State, a commission of at least five members is necessary; now, therefore, be it

Resolved by the Assembly of the State of California, That the Governor be, and he is hereby requested, to appoint three members to fill the vacancies in the Fish and Game Commission with all possible speed.

House Resolution No. 50 ordered printed in the Journal.

#### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 26**—An act to regulate the issuance of bonds of the California Toll Bridge Authority for or in connection with the San Francisco-Oakland Bay Bridge, and making an appropriation to secure the payment of interest on, and the redemption of, such bonds.

#### Motion to Amend Assembly Bill No. 26.

Mr. Patterson moved to amend Assembly Bill No. 26 as follows:

#### Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, strike out “, and”; strike out lines 7 to 9, inclusive, and insert in lieu thereof a period.

#### Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 19 to 21, inclusive, and insert in lieu thereof the following: “of the California Toll Bridge Authority derived from tolls, fares or the issuance of bonds on any of the property of said authority he used or paid to”.

#### Amendment No. 3.

On page 2, line 23, of the printed bill, as amended, strike out “the now”, and insert in lieu thereof the following: “any privately owned franchise service or right to”.

#### Amendment No. 4.

On page 3 of the printed bill, as amended, strike out lines 39 to 42, inclusive, and insert in lieu thereof the following:

“SEC. 6. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.”

Amendments adopted.

Assembly Bill No. 26 ordered to reprint, and considered re-engrossed.

#### Communications.

The following communications were received, read, and ordered printed in the Journal.

SACRAMENTO, CALIFORNIA, March 9, 1938.

Honorable W. P. Rich, Senate Chamber, State Capitol, Sacramento, California.

SUBJECT: Tax and Assessment Exemption of Housing Authority Property and Bonds.

DEAR SENATOR RICH:

Question: You have asked us whether the property or bonds of a housing authority would be exempt from taxation or special assessment if Assembly Bill No. 1, which expressly makes such an exemption, is defeated and Assembly Bills Nos. 2, 3 and 4, covering the remainder of the housing authority program, are



enacted. Assuming that defeat of Assembly Bill No. 1 would have no effect on such exemption, you have asked us whether the other bills could be amended to remove such exemption.

**Opinion:** It is our opinion that the property and bonds of housing authorities will be exempt from taxation regardless of whether Assembly Bill No. 1 is enacted or not. It is also our opinion that such bonds and property will most probably be exempt from special assessments whether Assembly Bill No. 1 passes or not. Without substantial change in the entire housing authorities program, we do not believe that any amendment to Assembly Bills Nos. 2, 3 or 4 can prevent such exemption, if the property of the housing authorities is exempted by the Constitution.

## I.

**Analysis:** Article XIII, section of the State Constitution, provides in part as follows:

"\* \* \* property \* \* \* such as may belong to \* \* \* this State, or to any county, city and county, or municipal corporation within this State shall be exempt from taxation \* \* \*."

This is a provision of a statutory character and is self-executing. "These are in fact but laws made directly by the people instead of by the Legislature and they are to be construed and enforced, in all respects, as though they were statutes \* \* \*. In effect, these constitutional provisions are but statutes which the Legislature can not repeal or amend." *Winchester vs. Powers*, 136 Cal. 432, at 439.

## II.

"Taxation," as used in section 1 of Article XIII of the Constitution, relates to such general taxes on property as are levied to defray the ordinary expenses of government, and not to special assessments for improvements, such as street improvements. This is the well-established law in this State, based on the decision in *Emery vs. San Francisco Gas Company*, 28 Cal. 345, which construed an analogous reference to taxation of property in section 12 of Article XI of the 1849 Constitution.

Property belonging to the State or to the political subdivisions mentioned is exemption from taxation. *Webster vs. Board of Regents* (1912) 163 Cal. 705; *State Land Settlement Board vs. Henderson* (1925) 197 Cal. 470.

## III.

The property of a public agency or public corporation is the same as the property of the State and is therefore exempt. *Reclamation District 551 vs. County of Sacramento* (1901), 134 Cal. 477; *Turlock Irrigation District vs. White* (1921), 186 Cal. 183.

The property of a public corporation which is a public agency of a county or municipal corporation would similarly seem to be exempt according to the reasoning given in *Reclamation District 551 vs. County of Sacramento, supra*.

## IV.

The housing authorities created by Assembly Bill No. 4 are defined to be "public corporations" in subdivision (a) of section 3 of Assembly Bill No. 4. The nature of the housing authority created is such that it appears to us to be a public corporation regardless of whether expressly so defined or not. As public corporations they are entitled to constitutional tax exemption on property.

Since this is true, the property of such corporations appears to be exempt from taxation under section 1 of Article XIII of the Constitution, and the bonds of such housing authorities are exempt from taxation under section 13 of Article XIII of the Constitution.

## V.

If such housing authorities were held not to be public corporations, Assembly Bill No. 1 would be unconstitutional in so far as it purported to exempt the real property of such housing authorities from taxation. The personal property could be exempted by a two-thirds vote under section 14 of Article XIII of the Constitution. In such event, as the bonds are personal property, they, too, could be exempted by a two-thirds vote. At present they are exempt under section 3627a of the Political Code, *Pacific Co. vs. Board of Supervisors* (1937), 8 Cal. (2d) 611.

## VI.

Certain publicly owned land is subject to special assessments, as distinguished from taxation, if (1) there is specific provision in the law for such assessments, or (2) the land is not devoted to public use. *Inglewood vs. County of Los Angeles* (1922), 207 Cal. 697; *City of Fresno vs. Fresno Irrigation District* (1925), 72 Cal. App. 503; *San Diego vs. Linda Vista Irrigation District* (1895), 108 Cal. 189.

It appears to us from the nature of the housing authority program that the property of a housing authority is used for a public use and would therefore be exempt from such special assessments regardless of whether Assembly Bill No. 1 is enacted or not. If it were held that the property of a housing authority was not the subject of a public use, then such property would be subject to special assessments if Assembly Bill No. 1 were not enacted.

If we can be of further assistance to you in this matter, do not hesitate to call on us.

Very truly yours,

FRED B. WOOD, Legislative Counsel.  
By ALVIN P. JACOBS, Assistant Counsel.



SACRAMENTO, March 9, 1938.

*Honorable W. P. Rich, Senate Chamber,  
State Capitol, Sacramento, California.*

IN RE: Assembly Bills 1, 2, 3 and 4,  
Low-cost Housing,  
Request No. 9586.

DEAR SENATOR RICH: You have asked us whether any of the bills above named appropriates to the proposed housing authority any State funds or authorizes any contribution by the State to such authority.

In reply, we wish to express the opinion that there is nothing in any of the bills named that directly makes such a contribution by the State or authorizes any officer or agency of the State to expend State funds or make any other type of contribution to such authority.

Trusting that this opinion answers your inquiry, we remain,

Very truly yours,

FRED B. WOOD, Legislative Counsel.  
By IRA J. DARLING, Assistant Counsel.

### **Further Proceedings Under Call of the Assembly on Assembly Bill No. 28 Dispensed With.**

At eleven o'clock and thirty-five minutes p.m., further proceedings under the call of the Assembly on Assembly Bill No. 28 were dispensed with, on motion of Mr. Burns, Michael J.

The roll of absentees was called, and Assembly Bill No. 28 passed by the following vote:

AYES—Andreas, Baynham, Beene, Burns, Michael J., Call, Cassidy, Clark, Crowley, Dawson, Desmond, Dilworth, Donihue, Donnelly, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Kepple, King, Leonard, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Weber, Welsh, Yorty, and Mr. Speaker—53.

NOES—Boyle, Breed, Burns, Hugh M., Corwin, Cottrell, Cunningham, Daley, Dannenbrink, Field, Johnson, Kuchel, Latham, Laughlin, Mayo, Millington, Morgan, Robertson, Walker, and Watson—19.

Title read and approved. Bill ordered transmitted to the Senate.

### **Further Proceedings Under Call of the Assembly on Assembly Concurrent Resolution No. 12 Dispensed With.**

At eleven o'clock and forty minutes p.m., further proceedings under the call of the Assembly on Assembly Concurrent Resolution No. 12 were dispensed with, on motion of Mr. Cunningham, by the following vote:

AYES—Baynham, Beene, Breed, Burns, Hugh M., Call, Corwin, Cottrell, Crowley, Cunningham, Daley, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Heisinger, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Mayo, Miller, Eleanor; Millington, Morgan, Muldoon, O'Donnell, Scudder, Stream, Thorp, Walker, Watson, and Weber—38.

NOES—Andreas, Boyle, Burns, Michael J., Cassidy, Clark, Dannenbrink, Dawson, Flint, Gilbert, Hawkins, Hornblower, King, Lore, Maloney, McMurray, Meehan, Miller, George P., Patterson, Peek, Reaves, Richie, Rosenthal, Sawallisch, Sheehan, Tenney, Turner, Voigt, Yorty, and Mr. Speaker—29.

The roll of absentees was called, and Assembly Concurrent Resolution No. 12 refused adoption by the following vote:

AYES—Andreas, Boyle, Burns, Michael J., Call, Cassidy, Clark, Dawson, Donihue, Flint, Gilbert, Glick, Hawkins, Hornblower, Hunt, King, Laughlin, Lore, Maloney, McMurray, Meehan, Miller, George P., Morgan, Patterson, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Tenney, Turner, Voigt, Weber, Welsh, Yorty, and Mr. Speaker—39.

NOES—Baynham, Beene, Breed, Burns, Hugh M., Corwin, Cottrell, Cunningham, Daley, Dannenbrink, Desmond, Dilworth, Donnelly, Field, Fulcher, Gannon, Garibaldi, Heisinger, Johnson, Kepple, Kuchel, Latham, Leonard, Lyon, Mayo, Miller, Eleanor; Millington, Muldoon, O'Donnell, Peyser, Redwine, Scudder, Stream, Thorp, Walker, and Watson—35.

Notice of Motion to Reconsider Vote on Assembly Concurrent Resolution No. 12.

Mr. Patterson gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Concurrent Resolution No. 12 was this day refused adoption.

**Explanations of Vote on Assembly Concurrent Resolution No. 12.**

Our government is composed of the legislative, the judicial and the administrative or executive branches. I am a member of the legislative branch and do not choose to assume the responsibilities of the other branches of government. Therefore I am voting "no."

S. L. HEISINGER.

WHEREAS, The function of the Legislature is to declare what the law shall be in regard to future happenings and events and not to determine what the rights and liabilities of any person are under the existing law in regard to any happening or thing done in the past, and

WHEREAS, The sole source of the Legislature's power to conduct investigations and to subpoena and hear witnesses is found in the implied power of the Legislature to enact laws and not to act as a jury of peers to review the actions of the courts of our State and of the United States, and

WHEREAS, Since the year 1916 the *Mooney* case has been thoroughly and exhaustively reviewed in the Appellate Courts of the State of California not less than seven times, the last time being October 27, 1937, and has been passed upon by the Circuit Court of Appeals and the United States Supreme Court, and is even now pending in the United States Supreme Court, and

WHEREAS, At each and every one of these trials the courts of our land had before them voluminous transcripts of jury trials and hearings before referees, in which every possible phase of the law and facts of the case were inquired into and passed upon, and

WHEREAS, Every Governor who has held office in the State of California since 1916 has refused to grant Mr. Mooney a pardon, and

WHEREAS, The Legislature is powerless to take any action which will aid the cause of Mr. Mooney in obtaining his pardon, as witnessed by the fact that the Legislative Counsel and Attorney General have both ruled that the Legislature itself has no power to pardon Mr. Mooney, and

WHEREAS, The Legislature has only had one side of the question presented to it, and has not requested that the other side be presented to it because in order to fairly and impartially pass on the matter the Legislature would have to hear all of the 147 witnesses who testified at the first Mooney trial, now, therefore,

We, the undersigned members of the Assembly of the California Legislature hereby condemn the entire proceeding whereby Mr. Mooney was compelled to appear before the Assembly in a matter in no way pertaining to a legislative function.

GARDINER JOHNSON.  
CHESTER F. GANNON.  
GORDON W. CORWIN.  
CHARLES W. STREAM.  
NELSON S. DILWORTH.  
SETH MILLINGTON.  
HUGH M. BURNS.  
F. L. BAYNHAM.  
C. R. WALKER.  
CLYDE A. WATSON.  
CLINTON J. FULCHER.

ADRON A. BEENE.  
C. C. COTTRELL.  
EARL D. DESMOND.  
HUBERT B. SCUDDER.  
C. DON FIELD.  
J. E. THORP.  
GERALD C. KEPPLE.  
ARTHUR H. BREED, JR.  
THOMAS H. KUCHEL.  
THOMAS J. CUNNINGHAM.  
ELEANOR MILLER.

**Motion to Expunge Record and Rescind Action on Assembly Concurrent Resolution No. 12.**

Mr. Tenney moved to expunge the record and rescind the action whereby the Assembly on this day refused passage to Assembly Concurrent Resolution No. 12.

**Motion to Adjourn.**

Mr. Cunningham moved that the Assembly do now adjourn until the hour of ten o'clock a.m., Friday, March 11, 1938.

The roll was called, and motion to adjourn carried by the following vote:

AYES—Baynham, Beene, Breed, Burns, Hugh M., Call, Corwin, Cottrell, Cunningham, Daley, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garibaldi, Garland, Heisinger, Johnson, Kepple, Kuchel, Latham, Mayo, Meahan, Miller, Eleanor; Millington, Morgan, Muldoon, O'Donnell, Scudder, Stream, Walker, Watson, and Weber—36.

NOES—Boyle, Burns, Michael J., Cassidy, Clark, Dannenbrink, Gilbert, Hawkins, Hornblower, King, Lore, Maloney, McMurray, Miller, George P., Patterson, Peek, Reaves, Richie, Rosenthal, Sawallisch, Tenney, Voigt, Yorty, and Mr. Speaker—23.

**Privilege of Floor of the Assembly Extended.**

On request of Mr. Miller, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Thos. McDonough and Mr. and Mrs. John Kaster of Oakland.

On request of Mr. Sawallisch, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Honorable Thomas D. Johnson, Superior Judge, Martinez, and Mrs. Johnson.

On request of Mr. Dilworth, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Arthur E. Isham of Redlands, and Mark Worden of San Jacinto.

On request of Messrs. Morgan and Garland, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Ford Chatters of Lindsay.

On request of Mr. Stream, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Dr. James R. Scott, of Chula Vista.

On request of Mr. Dammbrink, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Harold M. Sawyer of Oakland.

#### **Adjournment.**

At eleven o'clock and fifty-five minutes p.m., the Speaker declared the Assembly adjourned this day until ten o'clock a.m., Friday, March 11, 1938.

DAVID V. OLIVER, Minute Clerk.





**CALIFORNIA LEGISLATURE**  
**FIFTY-SECOND (EXTRAORDINARY) SESSION****ASSEMBLY DAILY JOURNAL****FIFTH LEGISLATIVE DAY**  
**FIFTH CALENDAR DAY****IN ASSEMBLY****ASSEMBLY CHAMBER,**  
**SACRAMENTO, Friday, March 11, 1938.**

At ten o'clock a.m., pursuant to adjournment, the Assembly was called to order.

Hon. William Moseley Jones, Speaker of the Assembly, in the chair.  
Chief Clerk James G. Smyth at the desk.

**Roll Call.**

The roll was called, and the following members answered to their names:

Audreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gaunon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, Kiug, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehau, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawalliseh, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—77.

Quorum present.

**Prayer.**

Prayer was offered by Rev. William F. Ehmann, Chaplain of the Assembly.

**Reading of the Journal Dispensed With.**

On motion of Mr. Heisinger, the further reading of the Journal of Thursday, March 10, 1938, was dispensed with.

**Leave of Absence for the Day.**

The following member was granted leave of absence for the day:  
Mr. Cronin, on motion of Mr. McMurray.

**Motion to Print Prayer in Journal.**

On motion of Mr. Williamson, the following prayer by Rev. William F. Ehmann, Chaplain of the Assembly, was ordered printed in the Journal:

O God, Thou Joy of loving hearts  
Thou fount of life, Thou light of men  
From the best bliss that earth imparts  
We turn, unfilled to Thee again.

As we bow here this morning we know that we are made for greater things than this material universe has to offer. We know that we are cramped and bound by mere physical trappings.

O God, keep us this morning in the performance of our duties from being babes, when we are called upon to act like men upon great issues of State.

Forgive us our childish cries of selfishness, our petty desire to both have and hold.

Teach us to see beyond today and tomorrow and to know the results of our acts and deeds upon our State and her people. Amen.

### Communication.

The following communication was received, read, and ordered printed in the Journal:

SAN FRANCISCO, CALIFORNIA, March 11, 1938.

*William Moseley Jones, Assemblyman, Capitol.*

Yesterday was charged with monstrous crime from floor Assembly. As an official of State, request right to refute charges from same floor.

CHARLES GOFF, Captain of Police.

### Motion to Extend Invitation to Captain Charles Goff.

On motion of Mr. Lyon, the Chief Clerk was instructed to communicate with Captain Charles Goff, and invite him to appear before the bar of the Assembly at his convenience.

### Senate Message.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 1.

Assembly Bill No. 2.

Assembly Bill No. 3.

Assembly Bill No. 12.

Assembly Bill No. 13.

Assembly Bill No. 19.

Assembly Concurrent Resolution No. 14.

Assembly Joint Resolution No. 6.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

The above reported bills ordered to enrollment.

### Petition.

The following petition was received and ordered filed:

From the Construction and General Laborers' Union No. 185, relative to State Compensation Insurance.

### Introduction and Reference of Bills.

The following bill was introduced:

**Assembly Joint Resolution No. 12:** By Mr. Turner—Relative to memorializing Congress concerning the tariff on tungsten products.

Introduced, and ordered placed upon the calendar without reference to committee.

### Report of Controller Pursuant to House Resolution No. 24.

The report of the Controller relative to estimated State receipts and expenditures, as requested under the provisions of House Resolution No. 24, was received and ordered filed.

### Motion to Correct Journal.

On motion of Mr. Hornblower, the Journal of March 10, 1938, was corrected to show the adoption of the urgency clause to Assembly Bill No. 7.

### Special Orders.

The hour of ten o'clock a.m., having arrived, the special orders heretofore set for this hour were taken up for consideration.

**Assembly Bills Nos. 17, 20, and 32 Considered in Committee of the Whole.**

On motion of Mr. Lyon, Assembly Bills Nos. 17, 20, and 32 were considered in the Committee of the Whole.

**Consideration of Assembly Bill No. 17.**

**Assembly Bill No. 17**—An act relating to certain State lands, providing for the extraction of oil and gas therefrom by the State and for the sale and disposal of such oil and gas, authorizing the exercise of the power of eminent domain for the purposes specified in this act, and making an appropriation.

Bill read third time, and refused passage by the following vote:

**AYES**—Burns, Michael J., Donnelly, Flint, Hawkins, Heisinger, King, Lore, Patterson, Pelletier, Richie, Tenney, and Yorty—12.

**NOES**—Andreas, Baynham, Beene, Boyle, Breed, Call, Cassidy, Corwin, Cottrell, Crowley, Cunningham, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Field, Fuleher, Gannon, Gliel, Hornblower, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Miller, Eleanor; Millington, Morgan, Muldoon, O'Donnell, Peyser, Reaves, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Turner, Walker, Watson, Weber, Welsh, Williamson, and Mr. Speaker—52.

**Consideration of Assembly Bill No. 20.**

**Assembly Bill No. 20**—An act relating to lands owned by the State; reserving all minerals and all oil and gas in State lands; providing for prospecting for and taking such minerals and for the extraction and removal of oil and gas therefrom; providing for the acquisition by purchase or condemnation of interests in privately owned lands to facilitate the operations provided for or contemplated by this act; creating a State Lands Commission, prescribing its powers and duties, and transferring to and vesting in the State Lands Commission the administration of and jurisdiction over State lands; repealing acts or parts of acts in conflict herewith; and making an appropriation.

**Motion to Amend Assembly Bill No. 20.**

Mr. Dannenbrink moved to amend Assembly Bill No. 20 as follows:

**Amendment No. 1.**

On page 5, line 44, of the printed bill, after the word "rights", insert "in privately owned lands".

**Amendment No. 2.**

On page 6, line 6, of the printed bill, after the word "in", insert "private".

**Amendment No. 3.**

On page 7, line 4, of the printed bill, before the semicolon, insert the following: "in those cases in which oil or gas is known to exist in such lands or in the vicinity thereof".

**Amendment No. 4.**

On page 11, line 4, of the printed bill, strike out the words "of which", and insert in lieu thereof the following: "where".

**Amendment No. 5.**

On page 11, line 5, of the printed bill, before the period, insert the words "of such oil or gas".

**Amendment No. 6.**

On page 12, lines 13 to 15, of the printed bill, strike out the words "the administration of the trust whether or not limited, under which such tide and submerged lands are held by the State", and insert in lieu thereof the following: "Or political subdivision any tide or submerged lands, whether filled or unfilled, and any oil or gas existing therein has been excepted or reserved to the State or otherwise belongs to the State."

**Amendment No. 7.**

On page 13, lines 1 and 2, of the printed bill, strike out: "and are no longer suitable for navigation or fishing".

**Amendment No. 8.**

On page 13, line 17, of the printed bill, insert the following:

"SEC. 94. Nothing in this act shall be construed to limit the effect of any grant of tide or submerged lands heretofore made to any city, county or other political subdivision, nor in any manner to prejudice whatever claim the State, on the one hand, or such city, county or political subdivision, on the other, may have in or to the right to extract or authorize the extraction of oil or gas or other minerals underlying such lands."

Amendments refused adoption by the following vote:

**AYES**—Breed, Burns, Michael J., Cassidy, Clark, Dannenbrink, Donihue, Donnelly, Flint, Gilbert, Hawkins, Johnson, King, Lore, Meehan, Miller, Eleanor; Miller, George P., Morgan, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Tenney, Thorp, Watson, and Yorty—27.

**NOES**—Andreas, Baynham, Beene, Boyle, Corwin, Crowley, Dawson, Desmond, Dilworth, Field, Fuleher, Gannon, Garland, Glick, Heisinger, Hornblower, Kepple, Kuehel, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, Mayo, Millington, Muldoon, O'Donnell, Peyser, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Turner, Walker, Weber, Welsh, Williamson, and Mr. Speaker—40.

**Motion to Table Assembly Bill No. 20.**

Mr. Flint moved that Assembly Bill No. 20 be laid on the table.

Motion to table Assembly Bill No. 20 lost by the following vote:

**AYES**—Burns, Michael J., Clark, Dannenbrink, Donnelly, Flint, Gilbert, Hawkins, Heisinger, King, Lore, Miller, George P., O'Donnell, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Tenney, and Yorty—20.

**NOES**—Andreas, Baynham, Beene, Boyle, Breed, Cassidy, Corwin, Crowley, Daley, Dawson, Desmond, Dilworth, Donihue, Field, Fuleher, Gannon, Garland, Glick, Hornblower, Johnson, Kepple, Kuehel, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, Peyser, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, and Mr. Speaker—50.

**Motion to Amend Assembly Bill No. 20.**

Messrs. Morgan and Field moved to amend Assembly Bill No. 20 as follows:

**Amendment No. 1.**

On page 16, line 5, of the printed bill, after "commission", insert a comma and the following: "except thirty per cent thereof, which shall be transferred to the "State park maintenance and acquisition fund," which fund is hereby created, to be expended in the manner hereafter provided by law".

Amendment adopted by the following vote:

**AYES**—Andreas, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Corwin, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Field, Flint, Fulcher, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, King, Laughlin, Leonard, Levey, Lore, Lyon, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, and Yorty—59.

**NOES**—Beene, Crowley, Donnelly, Gannon, Latham, and Mr. Speaker—6.

**Request for Unanimous Consent.**

Mr. Robertson asked for, and was granted, unanimous consent to take up Assembly Bill No. 20, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.



**Consideration of Assembly Bill No. 20, as Amended.**

**Assembly Bill No. 20**—An act relating to lands owned by the State; reserving all minerals and all oil and gas in State lands; providing for prospecting for and taking such minerals and for the extraction and removal of oil and gas therefrom; providing for the acquisition by purchase or condemnation of interests in privately owned lands to facilitate the operations provided for or contemplated by this act; creating a State Lands Commission, prescribing its powers and duties, and transferring to and vesting in the State Lands Commission the administration of and jurisdiction over State lands; repealing acts or parts of acts in conflict herewith; and making an appropriation.

**Motion to Amend Assembly Bill No. 20.**

Mr. Peek moved to amend Assembly Bill No. 20 as follows:

**Amendment No. 1.**

On page 12 of the printed bill, between lines 15 and 16, insert the following: "shall proceed as follows:

(a) As to those cities and counties now authorized, or which may hereafter be authorized, to develop oil lands within the boundary of any such city or county, the commission shall enter into leases only with such city or county and upon such terms and conditions as may be deemed to be in the public interest, and any such lease or agreement so entered into shall not abridge the right of such city or county to contest the ownership of such oil and gas, nor shall the same constitute an admission on the part of such city or county of ownership of such oil or gas by the State; except as to bona fide purchasers of such oil and gas produced and sold prior to the final adjudication of the rights of any such city or county and of the State, and as to such bona fide purchasers, neither the State or such city or county, shall have the right to recover for oil produced and sold prior to such adjudication.

(b) As to those cities or counties which are not authorized to develop oil lands, the commission, pursuant to the provisions of this act,"

**Amendment refused adoption by the following vote:**

**AYES**—Breed, Burns, Michael J., Cassidy, Clark, Dannenbrink, Dilworth, Donnelly, Flint, Garland, Gilbert, Hawkins, Heisinger, Johnson, King, Lore, Miller, Eleanor; Miller, George P., Morgan, Patterson, Peek, Pelletier, Reaves, Riehle, Rosenthal, Tenney, Thorp, Turner, Voigt, and Yorty—29.

**NOES**—Andreas, Baynham, Call, Corwin, Crowley, Daley, Dawson, Desmond, Donihue, Field, Fulcher, Gannon, Glick, Hornblower, Kepple, Kuchel, Latham, Laughlin, Levey, Lyon, Maloney, Mayo, Meehan, Millington, Muldoon, O'Donnell, Peyser, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Stream, Walker, Watson, Weber, Welsh, Williamson, and Mr. Speaker—39.

**Motion to Amend Assembly Bill No. 20.**

Mr. Hornblower moved to amend Assembly Bill No. 20 as follows:

**Amendment No. 1.**

On page 2, line 4, of the printed bill, at the end of the line, strike out "State".

**Amendment No. 2.**

On page 2, line 5, of the printed bill, strike out "Controller", and insert in lieu thereof the following: "Chief of the Division of State Lands".

**Demand for Previous Question.**

Messrs. Miller, Voigt, Muldoon, Robertson and Andreas demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments by Mr. Hornblower.

**Amendments refused adoption by the following vote:**

**AYES**—Call, Crowley, Dawson, Hornblower, Levey, Lyon, Malouey, Peyser, Scudder, and Williamson—10.

**NOES**—Andreas, Boyle, Breed, Burns, Michael J., Cassidy, Clark, Corwin, Daley, Dannenbrink, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Lore, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Redwine, Robertson, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—57.

**Motion to Amend Assembly Bill No. 20.**

Mr. Clark moved to amend Assembly Bill No. 20 as follows:

**Amendment No. 1.**

On page 10, line 46, of the printed bill, after "Lands", insert a comma and the following: "other than lands granted to cities or counties,".

**Amendment No. 2.**

On page 10, line 48, of the printed bill, after "lands", insert a comma and the following: "whether filled or unfilled, other than such lands as have been granted by the State to cities or counties,".

**Amendment No. 3.**

On page 10 of the printed bill, strike out lines 51 and 52, and on page 11, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following: "as not in conflict with the provisions of this article."

**Amendment No. 4.**

On page 12 of the printed bill, strike out lines 12 to 41, inclusive.

**Amendment No. 5.**

On page 12, line 42, of the printed bill, strike out "92", and insert in lieu thereof the following: "91".

**Amendment No. 6.**

On page 13, line 11, of the printed bill, strike out "93", and insert in lieu thereof the following: "92".

**Amendment No. 7.**

On page 13 of the printed bill, between lines 16 and 17, insert the following: "Article 6a. Oil and Gas in Tide and Submerged Lands Which Have Been

Granted by the State to Cities and Counties.

SEC. 96. The oil and gas in tide and submerged lands, whether filled or unfilled, which have been granted by the State to any city or county may be extracted and disposed of in accordance with the provisions of this article and of this act insofar as not in conflict with this article.

SEC. 97. The State hereby constitutes each such city and county its sole agent as to the lands granted by the State to such city or county and hereby authorizes each such city and county to extract and dispose of the oil and gas in such lands, either by means of operations conducted by such city or county, if it is now or hereafter authorized so to do by its charter, or by lease, license, or permit issued by such city or county to persons, associations, or corporations having the qualifications required of a lessee under this act.

SEC. 98. Such lease, license, or permit shall be issued by means of competitive bidding to the qualified bidder offering to pay to the city or county, as agent of the State, the highest percentage in amount or value of oil and gas produced from wells drilled thereunder. No bid shall be accepted and no lease, license, or permit shall be made unless the same provides for payment to the city or county of more than thirty per cent of the amount or value of the production of oil and gas from any wells drilled thereunder, but such lease, license, or permit may provide that such city or county may, in its sound discretion, reduce the royalty thereunder as to the oil produced from any well when the average daily production of oil therefrom during a period of thirty consecutive producing days is less than two hundred barrels.

Each such lease, license, or permit shall contain the appropriate provisions required to be contained in a lease of tide and submerged lands under this act and shall be subject to all the provisions of this act relating to such leases, in so far as such provisions are applicable thereto.

SEC. 99. All oil and gas produced directly by any city or county shall be sold by it at the best obtainable prices and at such times as it shall deem proper for securing the maximum cash return therefor.

SEC. 100. Inasmuch as the title to the oil and gas deposits in such tide and submerged lands is in dispute between the State and the cities and counties to which such tide and submerged lands have heretofore been granted by the State, the royalties or the net profits from oil and gas produced from such lands shall be held in trust by each such city and county until such time as the question of the title to such oil and gas deposits is determined by the courts of this State. If the question of title to such oil and gas deposits is determined adversely to the State, the royalties or net profits shall be retained by the city or county entitled thereto.

If it is determined that the title to the oil and gas deposits in said lands is in the State, each such city or county shall thereupon transmit to the State two-thirds of such royalties or net profits so held in trust. Thereafter each such city and county shall transmit to the Treasurer of the State of California one-half of all royalties, or one-half of the net profits, derived from oil and gas produced from such lands. Such remittances shall be made quarterly and shall be accompanied by a statement, in such form as the commission shall require, showing the total amount of production, total royalties, operating costs, and such other information as the commission may by rule require. The records of each such city and county as to operations under this act shall be open at all times to inspection by the commission.

SEC. 101. The remaining one-third of the royalties and net profits hereunder shall be retained by such city or county as full compensation and in consideration of the performance by it of the duties and responsibilities imposed upon such city or county, as agent of the State, by this act.

SEC. 102. All royalties and net profits retained by any city or county, as provided by this act, shall be used by it solely in furtherance of the trust under which such tide and submerged lands have been transferred to such city or county and for the purposes expressed in the act so transferring such lands."

Amendments refused adoption by the following vote:

AYES—Burns, Michael J., Clark, Dannenbrink, Donnelly, Flint, Garland, Gilbert, Hawkins, Heisinger, Johnson, King, Lore, Miller, George P., Morgan, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Tenney, Turner, Watson, and Yorty—24.

NOES—Andreas, Baynham, Call, Cassidy, Corwin, Crowley, Daley, Dawson, Desmond, Donihue, Field, Fulcher, Gannon, Glick, Hornblower, Kepple, Kuchel, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Muldoon, Peyser, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Stream, Walker, Weber, Welsh, Williamson and Mr. Speaker—41.

Motion to Amend Assembly Bill No. 20.

Mr. Clark moved to amend Assembly Bill No. 20 as follows:

Amendment No. 1.

On page 9, of the printed bill, after line 50, add the following:

"SEC. 60. If the commission fails to receive a bid for an oil or gas lease for any of the lands of the character described in this act or if the commission rejects the bids for any such lands or parcel or parcels of such lands as herein provided, the commission may proceed in the name of the State and without further notice or advertising to develop and extract the oil and gas from such lands. The work of drilling and construction in connection therewith, if done by the State, may be performed either by contract or award to the lowest responsible bidder, or by day labor. If done by contract, the commission may reject any and all bids and call for new bids. The commission may purchase any and all materials, supplies, and equipment deemed necessary for the prosecution of such work and for the extraction, recovery and disposition of oil and gas from such lands.

All oil and gas so produced from State lands by the commission shall be sold by the commission at the best prices obtainable and at such times as are deemed proper for securing maximum returns to the State therefor. In carrying out the provisions of this section, the commission is expressly authorized to do all things necessary or desirable, in the best interests of the State, in such operations, consistent with accepted and efficient practices in private industry and consistent with the provisions of this act."

Amendment refused adoption by the following vote:

AYES—Boyle, Burns, Michael J., Cassidy, Clark, Dannenbrink, Dawson, Desmond, Donnelly, Flint, Gilbert, Hawkins, Heisinger, Hornblower, King, Lore, Miller, Eleanor; Miller, George P., Morgan, O'Donnell, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Tenney, Watson, and Yorty—28.

NOES—Andreas, Baynham, Beene, Call, Corwin, Crowley, Daley, Donihue, Field, Fulcher, Gannon, Garland, Glick, Johnson, Kuchel, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Meehan, Millington, Muldoon, Peyser, Robertson, Sawallisch, Scudder, Sheehan, Stream, Turner, Voigt, Walker, Weher, Welsh, Williamson, and Mr. Speaker—39.

Motion to Amend Assembly Bill No. 20.

Mr. Clark moved to amend Assembly Bill No. 20 as follows:

Amendment No. 1.

On page 16 of the printed bill, between lines 37 and 38, insert the following:

"In the event that Chapter 304 of the Statutes of 1937, relating to certain tide and submerged lands at Huntington Beach, is approved by the people as provided in the referendum provisions of the Constitution of this State, the provisions thereof shall wholly supersede the provisions of this act as to the lands described therein.

Until such time as Chapter 304 of the Statutes of 1937 is submitted to the people for their approval or rejection and the result thereof declared by the Secretary of State, no action shall be taken by the commission under this act or by any other State officer or body under any statute which would or might affect the lands described in said chapter in such a manner as would interfere with or prevent, directly or indirectly, the complete operation of Chapter 304 of the Statutes of 1937, if such chapter is approved by the people."

Amendment adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Burns, Hugh M., Burns, Michael J., Cassidy, Clark, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donnelly, Flint, Gannon, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Laughlin, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier,



Reaves, Richie, Robertson, Rosenthal, Sawallisch, Tenney, Turner, Voigt, Watson, Weber, Yorty, and Mr. Speaker—51.

NOES—Call, Corwin, Crowley, Donihue, Field, Latham, Leonard, Levey, Lyon, Mayo, Peyser, Sheehan, Stream, Walker, Welsh, and Williamson—16.

**Request for Unanimous Consent.**

Mr. Robertson asked for, and was granted, unanimous consent to take up Assembly Bill No. 20, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Motion to Recess.**

Mr. Welsh moved that the Assembly do recess until the hour of eight o'clock p.m., at which time the Assembly resolve itself into a Committee of the Whole to hear from Captain Chas. Goff.

**Motion carried by the following vote:**

AYES—Andreas, Baynham, Boyle, Breed, Call, Cassidy, Clark, Corwin, Daunenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, King, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Miller, Eleanor, Millington, Morgan, Muldoon, O'Donnell, Patterson, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—59.

NOES—Daley, Johnson, and Kepple—3.

**Recess.**

At six o'clock and five minutes p.m., in accordance with the above motion, the Assembly was declared at recess until eight o'clock p.m.

**Reassembled.**

At eight o'clock p.m., the Assembly reconvened.

Speaker Jones in the chair.

**Captain Charles Goff Heard in Committee of the Whole.**

On motion of Mr. Cottrell, the Assembly was addressed by Captain Charles Goff, in the Committee of the Whole.

**Further Consideration of Special Orders.**

**Further Consideration of Assembly Bill No. 20.**

**Assembly Bill No. 20**—An act relating to lands owned by the State; reserving all minerals and all oil and gas in State lands; providing for prospecting for and taking such minerals and for the extraction and removal of oil and gas therefrom; providing for the acquisition by purchase or condemnation of interests in privately owned lands to facilitate the operations provided for or contemplated by this act; creating a State Lands Commission, prescribing its powers and duties, and transferring to and vesting in the State Lands Commission the administration of and jurisdiction over State lands; repealing acts or parts of acts in conflict herewith; and making an appropriation.

**Motion to Amend Assembly Bill No. 20.**

Mr. Mayo moved to amend Assembly Bill No. 20 as follows:

**Amendment No. 1.**

On page 14, lines 37 and 38, of the printed bill, strike out "of not less than twelve and one-half per cent in amount or value of the production".

Amendment adopted.



**Request for Unanimous Consent.**

Mr. Robertson asked for, and was granted, unanimous consent to take up Assembly Bill No. 20, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Motion to Amend Assembly Bill No. 20.**

Mr. Dilworth moved to amend Assembly Bill No. 20 as follows:

**Amendment No. 1.**

On page 2, lines 4 and 5, of the printed bill, strike out "State Controller", and insert in lieu thereof the following: "Lieutenant Governor".

Amendment refused adoption by the following vote:

AYES—Breed, Burns, Michael J., Cassidy, Corwin, Cottrell, Dannenbrink, Dawson, Dilworth, Gilbert, Hawkins, Hornblower, Johnson, King, McMurray, Miller, George P., Millington, Morgan, Patterson, Pelletier, Reaves, Richie, Sawallisch, Tenney, and Yorty—24.

NOES—Baynham, Beene, Burns, Hugh M., Clark, Crowley, Daley, Desmond, Donihue, Donnelly, Flint, Fuleher, Gannon, Garland, Heisinger, Hunt, Kuchel, Latham, Laughlin, Levey, Lore, Lyon, Mayo, Meehan, Miller, Eleanor, Muldoon, Peek, Peyser, Redwine, Robertson, Rosenthal, Scudder, Sheehan, Stream, Turner, Voigt, Walker, Watson, Welsh, and Mr. Speaker—39.

**Motion to Amend Assembly Bill No. 20.**

Mr. Redwine moved to amend Assembly Bill No. 20 as follows:

**Amendment No. 1.**

On page 11 of the printed bill, strike out line 5, and insert in lieu thereof the following: "owner or from which the State has the right to extract oil or gas, or both."

**Amendment No. 2.**

On page 12, line 21, of the printed bill, strike out "be in", and insert in lieu thereof the following: "include".

**Amendment No. 3.**

On page 12, line 24, of the printed bill after "being", insert the following: "or may be".

**Amendment No. 4.**

On page 13, lines 1 and 2, of the printed bill, strike out "and are no longer suitable for navigation or fishing".

Amendments adopted.

**Request for Unanimous Consent.**

Mr. Robertson asked for, and was granted, unanimous consent to take up Assembly Bill No. 20, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Motion to Amend Assembly Bill No. 20.**

Mr. Dawson moved to amend Assembly Bill No. 20 as follows:

**Amendment No. 1.**

On page 2, line 5, of the printed bill, strike out "The Director of Natural Resources", and insert in lieu thereof the following: "Lieutenant Governor".

Amendment adopted by the following vote:

AYES—Baynham, Breed, Burns, Michael J., Cassidy, Clark, Dannenbrink, Dawson, Dilworth, Donnelly, Flint, Gannon, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Levey, Maloney, Meehan, Miller, George P., Morgan, Patterson, Peek, Pelletier, Peyser, Richie, Rosenthal, Sawallisch, Tenney, William-son, Yorty, and Mr. Speaker—35.

NOES—Andreas, Beene, Boyle, Corwin, Crowley, Daley, Desmond, Donihue, Fuleher, Glick, Kuchel, Latham, Laughlin, Lore, Lyon, Miller, Eleanor, Muldoon, O'Donnell, Reaves, Redwine, Robertson, Scudder, Sheehan, Stream, Turner, Voigt, Walker, Watson, Weber, and Welsh—30.

Assembly Bill No. 20 ordered to reprint, and considered re-engrossed.

**Consideration of Assembly Bill No. 32.**

**Assembly Bill No. 32**—An act relating to tide and submerged lands granted by the State to cities, counties, cities and counties and to other political subdivisions; consenting to suits against the State in connection therewith; providing for the extraction and removal of oil

and gas therefrom; and repealing acts or parts of acts in conflict therewith.

**Motion to Amend Assembly Bill No. 32.**

Mr. Field moved to amend Assembly Bill No. 32 as follows:

**Amendment No. 1.**

On page 4, line 3, of the printed bill, strike out the period after "lands", and insert in lieu thereof a comma and the following: "to be deposited in the general fund of the State, except fifty per cent thereof, which shall be transferred to the "State park maintenance and acquisition fund," which fund is hereby created, to be expended in the manner hereafter provided by law."

Amendment adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Flint, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Levey, Lore, Lyon, Maloney, Mayo, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—67.

NOES—None.

**Request for Unanimous Consent.**

Mr. Clark asked for, and was granted, unanimous consent to take up Assembly Bill No. 32, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Motion to Amend Assembly Bill No. 32.**

Mr. Kepple moved to amend Assembly Bill No. 32 as follows:

**Amendment No. 1.**

On page 3, line 51, of the printed bill, strike out "one-half", and insert in lieu thereof the following: "83 $\frac{1}{3}$ %".

**Amendment No. 2.**

On page 4 of the printed bill, strike out line 2, and insert in lieu thereof the following: "fornia 83 $\frac{1}{3}$ % of all royalties, or 83 $\frac{1}{3}$ % of the net profits,".

**Amendment No. 3.**

On page 4, line 13, of the printed bill, strike out "one-half", and insert in lieu thereof the following: "16 $\frac{2}{3}$ %".

Amendments refused adoption by the following vote:

AYES—Beene, Breed, Cottrell, Daley, Dilworth, Kepple, Kuchel, Latham, Lyon, Mayo, O'Donnell, Redwine, Robertson, Scudder, Stream, Walker, and Williamson—17.

NOES—Andreas, Baynham, Boyle, Burns, Michael J., Cassidy, Clark, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Flint, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, King, Laughlin, Leonard, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Sawallisch, Sheehan, Tenney, Turner, Voigt, Weher, Yorty, and Mr. Speaker—47.

**Motion to Amend Assembly Bill No. 32.**

Mr. Peek moved to amend Assembly Bill No. 32 as follows:

**Amendment No. 1.**

On page 3, line 51, of the printed bill, strike out "one-half", and insert in lieu thereof the following: "66 $\frac{2}{3}$ %".

**Amendment No. 2.**

On page 4 of the printed bill, strike out line 2, and insert in lieu thereof the following: "fornia 66 $\frac{2}{3}$ % of all royalties, or 66 $\frac{2}{3}$ % of the net profits,".

**Amendment No. 3.**

On page 4, line 13, of the printed bill, strike out "one-half", and insert in lieu thereof the following: "33 $\frac{1}{3}$ %".

Amendments adopted by the following vote:

AYES—Andreas, Baynham, Breed, Burns, Michael J., Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donnelly, Flint, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Sheehan, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—65.

NOES—O'Donnell, and Scudder—2.

**Request for Unanimous Consent.**

Mr. Clark asked for unanimous consent to take up Assembly Bill No. 32, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

Mr. Robertson withheld his consent.

Assembly Bill No. 32 read second time, ordered to reprint, and considered re-engrossed.

**Introduction and Reference of Bills—(Resumed).**

The following bills were introduced:

**Assembly Bill No. 33:** By Mr. Lyon—An act making an appropriation for the expenses of the Assembly for the extra session of the fifty-second Legislature, to take effect immediately.

Bill read first time.

**Case of Urgency.**

The following resolution was offered:

By Mr. Lyon:

*Resolved*, That Assembly Bill No. 33 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second, and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Flint, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—69.

**NOES**—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 33, at this time.

**Second Reading of Assembly Bill No. 33.**

**Assembly Bill No. 33**—An act making an appropriation for the expenses of the Assembly for the extra session of the fifty-second Legislature, to take effect immediately.

Bill read second time.

**Third Reading of Assembly Bill No. 33.**

**Assembly Bill No. 33**—An act making an appropriation for the expenses of the Assembly for the extra session of the fifty-second Legislature, to take effect immediately.

Bill read third time, and passed by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Cassidy, Clark, Corwin, Cottrell, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Flint, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—66.

**NOES**—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

**Assembly Bill No. 34:** By Mr. Desmond—An act to add a new section numbered 11½ to an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor

fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products and the use of brands and trade-marks in connection therewith; providing for the licensing of persons, firms, associations or corporations, installing and using motor vehicle fuel pumps; regulating signs, placards, posters, streamers, cards and other advertising media advertising gasoline or other motor vehicle fuel or the price thereof; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil.

Bill read first time, and ordered placed upon the calendar without reference to committee.

**Assembly Joint Resolution No. 14:** By Mr. Dilworth—Relative to requesting the State of Utah to cooperate in preventing the marriage of white women and Filipinos.

Introduced, and ordered placed upon the calendar without reference to committee.

**Assembly Joint Resolution No. 13:** By Messrs. Miller and Andreas, and Mrs. Daley—Relating to memorializing the President and Congress of the United States to make available Federal funds for the reconstruction, repair and replacement of roads and highways damaged and destroyed by floods.

Introduced, and ordered placed upon the calendar without reference to committee.

### Resolutions.

The following resolutions were offered:

By Mr. King:

#### House Resolution No. 51.

WHEREAS, Assembly Bill No. 2059, providing for the mandatory fingerprinting of all automobile drivers was rejected in committee at the 1937 session of the Legislature; and

WHEREAS, Despite such rejection, the Division of Drivers' Licenses of the Department of Motor Vehicles has begun taking the thumb prints of applicants for operators and chauffeurs licenses; and

WHEREAS, The department adopted a form of license application bearing a specifically designated place for the applicants' thumb print; and

WHEREAS, Applicants for licenses may become confused and not realize that submission to the taking of thumb prints is voluntary on their part; and

WHEREAS, The present thumb printing procedure is in effect an attempt to do indirectly that which the Legislature refused to authorize the Department of Motor Vehicles to do directly; and

WHEREAS, Such finger printing of automobile drivers is a step in the direction of universal finger printing; and

WHEREAS, Compulsory finger printing opens the way to the un-American practice of police surveillance of every member of the community; and

WHEREAS, Organized labor has consistently opposed finger printing as an instrument of oppression that can be used to hobble the free movements and activities of working men and women; and

WHEREAS, Organized labor associates finger printing with the iniquitous black list and frame-up systems; and

WHEREAS, Automobile clubs, the labor movement, including both the AFL and CIO and liberal and progressive organizations have gone on record opposing any finger printing or thumb printing of applicants for drivers and chauffeurs licenses; and



WHEREAS, The Department of Motor Vehicles has not attempted to classify the thumb prints it has taken; and

WHEREAS, Finger printing has little or no merit so far as the safe operation of motor vehicles is concerned; now, therefore, be it

*Resolved*, That the Assembly condemns the procedure by the Department of Motor Vehicles of taking thumb prints of applicants for drivers and chauffeurs licenses; and be it further

*Resolved*, That Governor Frank F. Merriam and Ray Ingels, Director of the Department of Motor Vehicles be requested to abate said practice without delay.

House Resolution No. 51 ordered printed in the Journal.

By Mr. Scudder:

**House Resolution No. 52.**

Relative to State assumption of old age security costs.

WHEREAS, In 1933 local tax burdens had become so heavy that far reaching modifications of the State's tax system were necessary in order to afford relief to holders of common property; and

WHEREAS, These modifications were effected by means of the so-called Riley-Stewart plan under which the properties of the public service corporations were returned to the local tax rolls and the State assumed the cost of maintaining the public schools, which cost was formerly borne by the counties; and

WHEREAS, The Retail Sales Tax Act of 1933 was enacted as the principal source of revenue to meet the new burdens assumed by the State; and

WHEREAS, Other sources of State revenue have since been created by imposing taxes on alcoholic beverages, incomes, and motor vehicles; and

WHEREAS, These new State revenues currently approximate \$125,000,000 annually, which represents an approximate net increase of \$55,000,000 to the State after the deduction of the \$40,000,000 of school costs assumed by the State and the \$30,000,000 loss in revenue suffered by the State due to the return of the public utilities properties to the county tax rolls; and

WHEREAS, Local tax burdens have increased tremendously since 1933, primarily because of the cost entailed in making old age security payments; and

WHEREAS, The increase in State revenues since 1933 warrants the assumption by the State of a greater portion of the old age security costs; and

WHEREAS, The State's assumption of the counties' share of the old age security costs would not leave the State without substantial revenue for other purposes; now, therefore, be it

*Resolved by the Assembly of the State of California*, That an emergency now exists which calls for a serious study and consideration of the problem of setting up a new method of allocating old age security costs between the State and the counties in order to prevent these costs from becoming burdensome in connection with local tax rates; and be it further

*Resolved*, That the Director of Finance is hereby requested to prepare a budget setting forth all anticipated State expenditures and revenues during the ninety-first and ninety-second fiscal years, including among expenditures the estimated cost to the State of defraying 90 per cent of all old age security relief; and be it further

*Resolved*, That the Director of Finance is requested to submit such budget to this Assembly on or before the first day of the 1939 regular session of the Legislature.

House Resolution No. 52 ordered printed in the Journal.

By Mr. King:

**House Resolution No. 53.**

Relative to memorializing Congress to enact, and the President to approve, the proposed General Welfare Act.

WHEREAS, The general welfare of the United States and of this State will be promoted by the more liberal distribution and increase of the purchasing power; and

WHEREAS, The general welfare of the United States and of this State will be promoted by the retirement of certain citizens from gainful employment and by the improvement and stabilization of employment for other citizens; and

WHEREAS, The general welfare of the United States and of this State will be promoted by the stimulation of agriculture and the increase of industrial production; and

WHEREAS, The general welfare of the United States and of this State will be promoted by the alleviation of the hazards and insecurity of old age; and

WHEREAS, The proposed General Welfare Act pending before the Congress of the United States (H. R. 4199) is designed and will, if enacted, accomplish the foregoing objectives by means of a fair and equitable method of taxation, to wit, a two per cent (2%) gross transactions tax, the proceeds which are to be distributed to citizens of the United States over 60 years of age refraining from gainful pursuits in competition with those persons morally entitled to engage in such pursuits; and

WHEREAS, Aged persons less favorably treated by other States are entering California, establishing residence, and partaking of the assistance given to aged persons in California to the detriment and burden of the taxpayers of California; and

WHEREAS, The duty of supporting and assisting the aged adequately should be placed upon the United States and every State of the United States; now, therefore, be it

*Resolved, by the Assembly of the State of California,* That the Congress of the United States is respectfully urged to enact, and the President of the United States to approve, the proposed General Welfare Act; and be it further

*Resolved,* That the Governor of the State of California is hereby requested to forward a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States.

House Resolution No. 53 ordered printed in the Journal.

### **Motion to Print Communication in Journal.**

On motion of Mr. Boyle, the following communication was ordered printed in the Journal:

#### **Resolution of State Board of Equalization.**

Adopted at Sacramento, California, March 10, 1938.

PRESENT: R. E. Collins, Chairman, John C. Corbett, Member, and Fred E. Stewart, Member.

Upon motion of Mr. Stewart, seconded by Mr. Corbett, the following resolution was adopted by unanimous vote of all Members present:

WHEREAS, Pursuant to the plan for tax relief proposed by the State Board of Equalization in 1933 and adopted in that year, a substantial reduction in the burden of local property taxes has been achieved, and

WHEREAS, The revenue measures enacted under this plan have enabled the State to assume educational costs previously met from the proceeds of local tax rates, and

WHEREAS, Notwithstanding the assumption of these school costs, these measures are also supplying ample revenues for the current needs of the State, and

WHEREAS, The successful operation of this plan has demonstrated the desirability of this type of tax relief when local tax burdens become excessive, and

WHEREAS, At the last legislative session the provisions for old age pensions were liberalized materially, and

WHEREAS, The resultant cost to the counties threatens to impair the tax relief previously obtained under the plan of 1933; now, therefore, be it

*Resolved by the State Board of Equalization, in regular meeting at Sacramento this tenth day of March, 1938,* That said board strongly recommends to the Legislature such action as will enable the State to assume the counties' share of old age pension payments, to the end that ample funds may be made available to carry out the objects of the 1937 legislation without unduly burdening local taxpayers; and be it further

*Resolved,* That the Secretary of this board is instructed to transmit copies of this resolution to the Secretary of the Senate and the Chief Clerk of the Assembly to the end that the recommendations herein made may be brought to the attention of the members of the Legislature.

Attest: DIXWELL L. PIERCE,

Secretary.

#### **Statement on Desirability of State Assumption of Old Age Security Costs Now Borne by Counties.**

In 1933 local tax burdens had become so heavy that far reaching modifications of the State's tax system were necessary in order to afford relief to common property. To accomplish this relief the properties of the public service corporations were returned to the local tax rolls and the State assumed the cost of maintaining the public schools formerly borne by counties. The retail sales tax was enacted as the principal source for increased revenues to meet these new burdens which the State had assumed. New revenues were produced also by the enactment of the Alcoholic Beverage Control Act and excise taxes on alcoholic beverages, personal income tax and the motor vehicle license (in lieu) fees.

Currently these revenues amount to approximately \$125,000,000 annually, accruing to the State general fund. Deducting the \$30,000,000 loss in revenues to the State from public utility taxes and the \$40,000,000 of school costs, formerly borne by the counties which the State has assumed, there remains a net increase in funds available for expenditure by the State of approximately \$55,000,000 per year.

Meanwhile the counties' share of the costs of old age security have increased from \$2,040,957.76 in 1933-1934 to approximately \$9,148,488 during the current fiscal year. This means that there has been an annual increase in these costs of more than \$7,000,000 so far as the counties are concerned.

Unless something is done to afford the counties relief it is apparent that there will have to be a substantial increase in the local tax rates. Such a development at this time would be extremely unfortunate.

Inasmuch as the object of the adoption of the constitutional amendment in 1933 was to relieve local property taxpayers and since the revenues received under the plan are substantially in excess of what was anticipated, the assumption by the State of the counties' share of the old age pension would seem to be a logical move. Unless this is done, much of the ground which was gained toward relief from oppressive property taxes in 1933 will be lost.

In the case of the sales tax alone, the net annual revenue to the State is now \$90,000,000 which is some \$20,000,000 more than the school costs assumed in 1933 and the amount of public utility taxes transferred to the local units of government. Consequently, if the State should assume the counties' share of the old age security requirements, there would still be substantial revenue from the sales tax remaining in the general fund for other purposes. In view of the fact that the liberalization of the Old Age Security Law last year, by reducing the age limit to 65 years and the residence requirement to five years, along with an increase in the maximum payment to \$35 per month, is primarily responsible for the added costs of this program, it seems also fair that the State should take action now to prevent these costs from becoming burdensome in connection with local tax rates.

### Senate Message.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

**Senate Bill No. 3**—An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78, 83, 85a and 86 of, and to add sections 3a, 75a, and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a Retirement System for Employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System and to retirement of employees of the University of California.

**Senate Constitutional Amendment No. 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XIII thereof a new section to be numbered 14½, relating to the taxation of insurance companies and associations.

**Senate Constitutional Amendment No. 2**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding a new section numbered 11 to Article XVI thereof, relating to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare.

**Senate Joint Resolution No. 4**—Relative to memorializing the President and Congress to provide for the maintenance of intercoastal steamship lines between the Atlantic seaboard and the Pacific Coast.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

Senate Bill No. 3 read first time, and ordered placed upon the calendar without reference to committee.

Senate Constitutional Amendments Nos. 1 and 2 and Senate Joint Resolution No. 4 ordered placed upon the calendar without reference to committee.

### Report of Governor Pursuant to House Resolution No. 24.

The report of the Governor relative to the financial condition of the State, as requested under the provisions of House Resolution No. 24, was received and ordered filed.

### Reconsideration of Assembly Concurrent Resolution No. 12.

In compliance with his notice given on a previous day, Mr. Patterson moved that the vote whereby Assembly Concurrent Resolution No. 12 was adopted, be reconsidered.

### Point of Order.

Mr. Johnson arose to the following point of order: That Assembly Concurrent Resolution No. 12 could not be considered at a special session of the Legislature on the ground that it constituted legislation within the meaning of Article V, section 9 of the Constitution of California, but was not included in the Governor's proclamation for this special session.



### Ruling on Point of Order.

The Speaker ruled the point of order not well taken.

The question being on the motion to reconsider Assembly Concurrent Resolution No. 12.

The roll was called, and Assembly Concurrent Resolution No. 12 reconsidered by the following vote:

**AYES**—Andreas, Baynham, Boyle, Burns, Michael J., Cassidy, Clark, Dannenbrink, Dawson, Douihue, Flint, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, King, Laughlin, Levey, Lore, Maloney, McMurray, Meehan, Miller, George P., Morgan, Patterson, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawalish, Sheehan, Tenney, Turner, Voigt, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—42.

**NOES**—Beene, Breed, Corwin, Cottrell, Crowley, Daley, Desmond, Dilworth, Donnelly, Fulcher, Gannon, Heisinger, Johnson, Kepple, Kuehel, Latham, Leonard, Lyon, Mayo, Miller, Eleanor; Millington, Muldoon, Peyser, Redwine, Scudder, Stream, Walker, and Watson—28.

### Motion to Print Opinion of Legislative Counsel in Journal.

On motion of Mr. Patterson, the following opinion of the Legislative Counsel was ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, March 11, 1938.

*Honorable Gardiner Johnson,  
Assembly Chamber,  
State Capitol,*

*Sacramento, California.*

DEAR MR. JOHNSON: You propound the following question:

Assuming that it would be competent for the two houses of the Legislature in passing a concurrent resolution therefor to effect the pardon of a person serving a term in the State prison, would that be to legislate on a subject other than the subjects specified in the proclamation which convened the Legislature at the current special session?

Within the time limited for the giving of this opinion we have found no judicial decision which furnishes a satisfactory answer to this question.

I incline to the view that the exercise of the pardoning power by the Legislature (assuming that it has that power against our opinion that it does not have it) would not be "to legislate" within the meaning of the latter term as used in section 9 of Article V of the State Constitution. The section last mentioned reads, in part, as follows:

The Governor "may \* \* \* convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation \* \* \*".

The general accepted meaning of the word "legislate" is as given in 36 C. J. at page 985:

"To give, pass or enact a law or laws; to make laws; to make or enact a law or laws."

Similarly, the term "legislative act" is defined in 36 C. J. at page 986 as follows:

"An act of the legislative department of the government, by which the law, to be applied in future cases under particular states of fact, is established in the form of a statute, ordinance, resolution, or other written form; an act which prescribes what the law shall be in future cases arising under it; one which prescribes a general rule of conduct."

The act of granting a pardon to a particular individual does not strike us as "one which prescribes a general rule of conduct."

Similarly, it does not appear to us as an act which "prescribes what the law shall be in future cases arising under it."

Substantially this chain of reasoning our Supreme Court has applied in holding that a concurrent resolution approving a city charter is an act of legislation. The charter becomes the organic law of the city.

Similarly, when the two houses of the Legislature adopt a resolution proposing a constitutional amendment for the consideration and approval of the people, it is "to legislate" within the meaning of that term as used in section 9 of Article V of the Constitution.

Accordingly, it is our opinion that were the two houses of the Legislature at this special session to adopt the resolution indicated (assuming that they have the legal power effectively to do so) it would not be "to legislate" and it would not matter whether the subject thereof were mentioned in the proclamation or not.

Very truly yours,

FRED B. WOOD, Legislative Counsel.

### Motion to Print Opinion of Attorney General in Journal.

On motion of Mr. Johnson, the following opinion of the Attorney General was ordered printed in the Journal:



SACRAMENTO, CALIFORNIA, March 12, 1938.

Honorable Gardiner Johnson,  
Member of the Assembly,  
State Capitol,  
Sacramento, California.

DEAR MR. JOHNSON: On the assumption that it would be competent for the two houses of the Legislature, in passing a concurrent resolution therefor, to effect the pardon of a person serving a term in the State prison, you inquire whether or not such would be legislating on a subject other than the subjects specified in the proclamation which convened the Legislature at the current special session.

In the first place, your assumption is in error, because the Legislature is not authorized by law to effect the pardon of a person serving a term in the State prison, but, assuming it is, then to adopt a concurrent resolution or to take any other proceeding to accomplish that purpose would, in my opinion, be legislation, in which event it is legally necessary that the subject be specified in the call before the Legislature could legislate on that subject.

Section 9 of Article V of the Constitution, so far as material here, provides that the Governor may convene the Legislature by proclamation, stating the purpose for which he has convened it, and when so convened, it shall have no power to legislate on any subjects other than those specified in the proclamation. In other words, when the Legislature, in special session, attempts to legislate, or takes any steps toward legislation, it must confine itself to the subjects and purposes contained within the proclamation.

The only decision in this State, touching or tending to touch upon the purpose and intent of section 9 of Article V of the Constitution, is the case of *People vs. Curry*, 130 Cal. 82, where the court held ineffective a joint resolution of the Legislature proposing to the people of this State an amendment to the Constitution of the State, stating that while it may be admitted that proposing constitutional amendments is not legislation in the sense of passing statutory laws, it is nevertheless performing legislative functions, and that it is one of the modes appointed to initiate the enactment of constitutional law, and the court, finding that the subject contained in that resolution not being in the Governor's proclamation calling that extraordinary session, held it could not be legislated upon.

There is a clear distinction between the situation in the *Curry* case and the one about which you inquire in that there is authority in law for the Legislature to propose constitutional amendments to initiate the enactment of constitutional law, while in the case before us, there is no authority in law for the Legislature to initiate anything to effect the pardon of a person serving a term in the State prison, except, of course, at any regular session of the Legislature, the Legislature could propose a constitutional amendment affecting the constitutional powers of issuing pardons, as it could also do if this subject were contained in a proclamation calling the Legislature into extraordinary session, but which is not in the present proclamation.

Yours very truly,

JESS HESSION, Deputy Attorney General.

#### Consideration of Assembly Concurrent Resolution No. 12.

**Assembly Concurrent Resolution No. 12**—Relative to granting a full and complete pardon to Thomas J. Mooney.

#### Call of the Assembly.

Pending the announcement of the vote, Mr. Patterson moved a call of the Assembly.

Motion carried by the following vote:

**AYES**—Boyle, Burns, Michael J., Call, Cassidy, Clark, Crowley, Dawson, Donihue, Flint, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, King, Laughlin, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Morgan, Patterson, Pelletier, Peyser, Reaves, Richie, Rosenthal, Sawallisch, Tenney, Turner, Voigt, Weber, Williamson, Yorty, and Mr. Speaker—39.

**NOES**—Andreas, Baynham, Beene, Breed, Corwin, Cottrell, Daley, Dannenbrink, Desmond, Dilworth, Donnelly, Fuleher, Gannon, Heisinger, Johnson, Kepple, Kuchel, Latham, Leonard, Lyon, Mayo, Millington, Muldoon, Redwine, Seudder, Stream, Walker, and Watson—23.

Time, eleven o'clock and thirty minutes p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in all absent members.

## Proceedings Under Call of the Assembly By Unanimous Consent.

### Motion to Print Opinion of Legislative Counsel in Journal.

On motion of Mr. Hornblower, the following opinion of the Legislative Counsel was ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, March 9, 1938.

Honorable Arlin E. Stockburger,  
Director of Finance,  
State Capitol,  
Sacramento, California.

SUBJECT: Specifying additional subjects of legislation in Governor's proclamation.  
REQUEST: No. 9583.

DEAR MR. STOCKBURGER:

**Question:** This is in response to your request for an opinion concerning whether or not the Governor, after the Legislature has convened in extraordinary session, may specify subjects for its consideration in addition to those specified in the proclamation as originally issued calling the Legislature into extraordinary session.

This question turns upon the construction of section 9 of Article V of the Constitution, which reads as follows:

"He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session, and other matters incidental thereto."

The question has not been considered by the courts of this State, and so far as there is a pertinent statement by our courts the purpose and intent of section 9 of Article V, it is contained in *People vs. Curry* (1900), 130 Cal. 82, 62 Pac. 516, where at page 90 of 130 Cal. the court said:

"The evident purpose of the restriction placed upon the action of the Legislature when called together in extraordinary session by proclamation was to regulate the duration of such session, and thus diminish expenses, and the court should not, by a strained or strict construction, defeat these purposes."

In the absence of such a decision by our courts, it is necessary to turn to the decisions of other States construing similar constitutional provisions for the answer to this question and to ascertain if the reasoning of these decisions is applicable to the provisions of our Constitution and would be considered by our courts in reaching a decision, should the question be presented to them.

**Opinion:** In such a situation (no decision in this State, a conflict of decisions in other States) an opinion is, of course, but an attempt to predict what our courts will hold.

We believe they will hold with Kentucky and against Arkansas; i.e., that the proclamation can be supplemented after the session convenes.

Admittedly, a strictly literal view of the language of section 9 strikes one as not permitting such. But when we consider the spirit of that requirement there seems no fundamental obstacle.

Moreover, if the executive and the legislature adopt this view, by acting in accordance with it, such is persuasive upon the courts, in accordance with the principle that when either of two interpretations of a constitutional provision is reasonable and the legislative department adopts one of them, the courts (in the absence of a prior judicial interpretation) are the more inclined to follow it.

In passing, it is noted that there exists another clearly legal and effective method of submitting new subjects; that of calling a second special session, to convene upon the adjournment of the current session. That method was used by Governor Gillette in 1907, an interval of one hour between sessions (Stats. 1909, pages 1X, X and 27); and by Governor Johnson in 1911, an interval of five minutes between sessions (Stats. Ex. Sess. 1911, pages 429 to 437).

**Analysis:** In considering and weighing the decisions of other States (on the question whether or not the "proclamation" may be supplemented) we find that the cases are somewhat in conflict upon the question where the subjects are specified after the Legislature has already convened.

In two jurisdictions it has been held that the Governor can specify additional subjects, *Stickler vs. Higgins* (1937), 269 Ky. 260, 106 S. W. (2d) 1008; *State vs. Key* (1926), 121 Okl. 64, 247 Pac. 656; while in one jurisdiction it was held that the Governor could not specify additional subjects after the convening of the legislature, *Sims vs. Weldon* (1924), 165 Ark. 13, 263 S. W. 42.

In some States such as Montana, Missouri, Texas and Utah, the Constitution expressly authorizes the submission of additional subjects after the Legislature has convened.

Our Constitution does not contain an express statement to that effect, wherefore we confine our discussion to causes arising in States whose Constitutions do not expressly authorize subsequent submission of subjects.

In *Stickler vs. Higgins* (1937), 269 Ky. 260, 106 S. W. (2d) 1008, *supra*, wherein the court upheld the power of the Governor to specify additional subjects after the Legislature had convened, the constitutional provision, section 80 of the Kentucky Constitution, reads as follows:

"He (the Governor) may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that should have become dangerous from an enemy or from contagious diseases. In case of disagreement between the two houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months. When he shall convene the General Assembly it shall be by proclamation, stating the subjects to be considered, and no other shall be considered." (Parentheses ours.)

The court stated that the purpose of the constitutional provision was to give notice to the public of the subjects to be considered in order that persons interested might be present of they desired, and also stated that it was not the desire of the framers of the Constitution to open up an almost limitless field of legislation. At page 1011 of 106 S.W. (2d) the court said:

"Those reasons are undoubtedly the ones prompting such constitutional provisions, and the purpose thereof is accomplished just as effectually if the additional proclamations submitting other subjects are issued after the extraordinary session is convened, as would be if they were issued within the time intervening between the original proclamation and the convening of the session. To show what we deem the fallacy of the contrary contention here made by learned counsel for defendants, we have but to consider that section 80 nowhere fixes any minimum length of time to intervene between the calling proclamation convening the Legislature and the date of its convening. As a matter of fact, the extraordinary session involved in this case was called for only about 30 minutes before it was to convene. That short time violated no provision of the Constitution, because there is no designated period, we repeat, to intervene between the call and the convening of the session. It follows, therefore, that it would have been competent for the Governor to have issued the proclamation only one minute before the convening of the session and in such circumstances there would be no time whatever to add to the subjects mentioned in the original call by subsequent proclamations, unless they be issued after the session convened."

The court pointed out that section 80, in requiring the subjects to be designated by proclamation, was more concerned with the manner of the submission of the additional subjects than the time at which the subjects were submitted. Thus at page 1011 of 106 S.W. (2d), the court said:

"It will furthermore be seen that a fair interpretation of the involved language of section 80 of our Constitution does not disclose that the Constitution makers were concerned so much as to the time when the proclamation of the Governor should be issued—so as to authorize legislation upon the subjects therein designated—as they were that the subjects should be submitted in the manner pointed out in that section, i.e., by proclamation. A reason for that was and is, no doubt, that certain official acts of the Governor (among which is the issuing of proclamations) are required to be filed with and recorded by the Secretary of State, whereby they become perpetual memorials in that office, subject to public inspection, and they are not effective until such lodgment is made. After that is done with the later proclamations, containing the submission of additional subjects, their contents are just as available to the public as are the contents of the original proclamation passing through the same course."

In *State vs. Key* (1926) 121 Okl. 64, 247 Pac. 656 (*supra*) wherein the court also upheld the power of the Governor to specify additional subjects after the Legislature had convened, the constitutional provisions, sections 7 and 9 of Article 6 of the Oklahoma Constitution, read as follows:

"The Governor shall have power to convoke the Legislature, or the Senate only, on extraordinary occasions. At extraordinary sessions, no subject shall be acted upon, except such as the Governor may recommend for consideration."

"At every session of the Legislature, and immediately upon its organization, the Governor shall communicate by message, delivered to a joint session of the two houses, upon the condition of the State; and shall recommend such matters to the Legislature as he shall judge expedient. He shall also transmit a copy, to each house, of the full report of each State officer and State commission. He shall communicate, from time to time, such matters as he may elect or the Legislature may require."

In this case the Governor submitted the additional subjects after the Legislature had been convened in extraordinary session for two weeks. The court pointed out that section 7 of Article 6 of the Oklahoma Constitution did not say when the Governor's message was to be delivered, and that the sentence in section 9 of Article 6 stating—

"He shall communicate, from time to time, such matters as he may elect or the Legislature may require."

allowed him to submit subjects at any time.



At page 658 of 247 Pac. the court said:

"The provision gives the Governor express authority to communicate from time to time, and is not confined to the time immediately upon the organization of the Legislature, but from time to time during the session he may communicate such matters as may occur to his mind, and shall also communicate such matters as the Legislature may require. It might occur to the Governor that certain matters should be considered by the Legislature; in such case he is authorized to communicate his ideas to the Legislature. On the other hand, it might occur to the Legislature itself that certain subjects should be legislated upon; in such case, when required by the Legislature, the Constitution says plainly 'he shall communicate \* \* \* such matters as \* \* \* the Legislature may require.'"

In *Simms vs. Weldon* (1924) 165 Ark. 13, 263 S. W. 42 (*supra*), where the court denied that the Governor had the power to submit additional subjects to the Legislature after it had convened, the constitutional provision, section 19 of Article 6 of the Arkansas Constitution read as follows:

"The Governor may, by proclamation, on extraordinary occasions convene the General Assembly at the seat of government, or at a different place, if that shall have become since their last adjournment dangerous from an enemy or contagious disease; and he shall specify in his proclamation the purpose for which they are convened, and no other business than that set forth therein shall be transacted until the same shall have been disposed of, after which they may, by a vote of two-thirds of all the members elected to both houses, entered upon their Journals, remain in session not exceeding 15 days."

In this case the Governor issued a supplemental proclamation specifying an additional subject of legislation after the bill had already been introduced in the Senate and had passed that house and was under consideration in the lower house of the Arkansas Legislature. The court, however, stated that it was unnecessary to discuss the question of whether or not the passage of the bill in the Senate prior to the supplemental proclamation would render the bill invalid, because it was of the opinion that the Governor had no authority to issue such a proclamation.

Construing the constitutional provision, the court said at page 44 of 263 S. W.:

"The only authority of the Governor found in the language of the Constitution is that he may, by proclamation, 'convene the General Assembly,' and that 'he shall specify in his proclamation the purpose for which they are convened.' This is the scope and extent of his power, and he has no further control over legislation except to approve or disapprove the bills finally passed by both houses."

The court, after pointing out that some Constitutions specifically authorize supplemental proclamations, stated at page 45 of 263 S. W.:

"But it will be noted that our Constitution contains no such provision; on the contrary, it limits the authority, as we have already seen, to a proclamation convening the session and specifying the purposes for which the session is convened. If the Governor could, by repeated or supplemental specifications during the session, prolong it indefinitely, he could thereby deprive the Legislature of its constitutional power of remaining in session for general legislation. It seems clear to us that it was not the intention of the framers of the Constitution to confer any such power on the Governor. The language used does not justify it, but, on the contrary, it is against any such view. The Constitution prescribes an orderly method for calling into existence an extraordinary session distributing the powers between the Governor and the Legislature, and neither can encroach upon the powers of the other."

It is to be noted that the court lays stress upon the fact that the Arkansas Constitution authorized the Legislature to remain in session for general legislative purposes and that the Governor, by supplementing his proclamation, would deprive the Legislature of this power. Such a provision is not present in section 9 of Article V of our Constitution, nor was it present in the constitutional provision under which *Stickler vs. Higgins* (1937), 269 Ky. 260, 106 S. W. (2d) 1008 (*supra*), was decided. In distinguishing *Sims vs. Weldon* (1924), 165 Ark. 13, 263 S. W. 42 (*supra*), on the basis of this added provision, the court in *Stickler vs. Higgins*, at page 1012 of 106 S. W. (2d) said:

"However, when the *Sims* case was before the court, the section of the Constitution of that State (similar to our section 80) contained an addenda whereby the extraordinary session might enact general legislation for a specified time after the subjects submitted by the Governor in such circumstances, and under the phraseology of such constitutional authority to add to the subjects after the session had convened would empower him to protract the session, by the continuous additions of subjects, for such a period as to exhaust the members of the Assembly and to thus indirectly deprive them of the right to enact general legislation for the specified period. We can readily see why such conditions might furnish a reason for the court's conclusion to deny the authority of the Governor therein attempted to be exercised."

Although section 80 of the Kentucky Constitution is somewhat differently worded, the pertinent provisions read as follows:



"When he shall convene the General Assembly it shall be by proclamation, stating the subjects to be considered, and no other shall be considered" while section 9 of Article V of the California Constitution reads:

"He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session, and other matters incidental thereto."

The provisions are so closely analogous in their statement that the subjects must be specified by proclamation that the reasoning of the court in *Stickler vs. Higgins* (1937), 269 Ky. 260, 106 S. W. (2d) 1008 (*supra*), seems to be applicable.

There is no limitation upon the time when the proclamation may be issued and such proclamations have been issued in fact, almost immediately preceding the actual convening of an extraordinary session, as was the case in connection with the second extraordinary sessions of 1907 and 1911. The subjects of legislation are still under the control of the Governor and the use of a device such as the convening of another extraordinary session immediately upon the adjournment of the first extraordinary session is eliminated when the original proclamation is supplemented.

Although as we have said, the convening of another session upon the adjournment of the first extraordinary session is of undoubted constitutionality, it seems that the reasoning of the court in *Stickler vs. Higgins* (1937) 269 Ky. 260, 106 S. W. (2d) 1008, (*supra*), is applicable to section 9 of Article V, permitting the Governor to add additional subjects by proclamation after the Legislature has convened, and that such an interpretation, if adopted by the Legislature, would be entitled to weight in the courts and that the courts would, therefore, be inclined to uphold such legislation as might be enacted in response to the additional subjects mentioned by the Governor.

Very truly yours,

FRED B. WOOD, Legislative Counsel.

By ARTHUR McHENRY, Deputy.

### Consideration of Assembly Bill No. 30.

#### Case of Urgency.

The following resolution was offered:

By Messrs. Boyle and Hornblower:

*Resolved*, That Assembly Bill No. 30 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second, and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Flint, Fuleher, Gannon, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Williamson, Yorty, and Mr. Speaker—66.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 30, at this time.

#### Second Reading of Assembly Bill No. 30.

**Assembly Bill No. 30**—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties.

Bill read second time, and considered engrossed.

#### Third Reading of Assembly Bill No. 30.

**Assembly Bill No. 30**—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties.

Bill read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Don-

hue, Donnelly, Flint, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, Kuchel, Latham, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Pelletier, Peyser, Reaves, Redwine, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Turner, Voigt, Watson, Weber, Williamson, Yorty, and Mr. Speaker—64.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Second Reading of Assembly Bills.

**Assembly Bill No. 31**—An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers; and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations.

Bill read second time, and considered engrossed.

### Second Reading of Senate Bills.

**Senate Bill No. 4**—An act to add section 508 to the Streets and Highways Code, relating to State highways.

Bill read second time.

**Senate Bill No. 6**—An act to amend sections 3664b, 3666a, 3668, 3668b, 3668c and 3669 of the Political Code, all relating to the taxation of insurance companies and associations under the provisions of Article XIII of the Constitution of this State, and providing that this act shall take effect upon the effective date of Senate Constitutional Amendment No. 1, proposed at the extraordinary session of the Legislature commencing on the seventh day of March, 1938.

Bill read second time.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 24**—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment.

#### Motion to Amend Assembly Bill No. 24.

Mr. Lore moved to amend Assembly Bill No. 24 as follows:

#### Amendment No. 1.

On page 1, line 18, of the printed bill, strike out "\$400,000", and insert in lieu thereof the following: "\$750,000".

#### Amendment No. 2.

On page 1, line 28, of the printed bill, strike out "four million nine hundred", and insert in lieu thereof the following: "five million two hundred fifty".

Amendments adopted by the following vote:

AYES—Andreas, Cassidy, Clark, Crowley, Dilworth, Donihue, Flint, Fulcher, Gilbert, Glick, Hawkins, Heisinger, Hunt, King, Laughlin, Lore, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Tenney, Turner, Watson, Weber, Yorty, and Mr. Speaker—36.

NOES—Baynham, Call, Corwin, Cottrell, Dannenbrink, Dawson, Desmond, Donnelly, Gannon, Hornblower, Johnson, Kuchel, Latham, Leonard, Levey, Lyon, Maloney, Mayo, Peyser, Redwine, Scudder, Sheehan, Stream, Walker, and Williamson—25.

#### Request for Unanimous Consent.

Mr. Kuchel asked for, and was granted, unanimous consent to take up Assembly Bill No. 24, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Motion to Amend Assembly Bill No. 24.**

Mr. Garland moved to amend Assembly Bill No. 24 as follows:

**Amendment No. 1.**

On page 2, line 8, of the printed bill, strike out the period, and insert in lieu thereof the following: "provided, however, that all the expenditures provided for in this bill shall be for the relief of citizens of the United States."

Amendment refused adoption by the following vote:

AYES—Dilworth, Gannon, Garland, Heisinger, Millington, and Robertson—6.

NOES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Daley, Dannenbrink, Dawson, Flint, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, King, Kuchel, Latham, Laughlin, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, George P., Morgan, Muldoon, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Rosenthal, Sawallisch, Sheehan, Stream, Tenney, Voigt, Walker, Watson, Williamson, Yorty, and Mr. Speaker—51.

**Third Reading of Assembly Bill No. 24, as Amended.**

**Assembly Bill No. 24**—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment.

Bill read third time, and passed by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor, Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Robertson, Rosenthal, Sawallisch, Seudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Williamson, Yorty, and Mr. Speaker—67.

NOES—None.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

**Further Proceedings Under Call of the Assembly Dispensed With.**

At eleven o'clock and forty-five minutes p.m., further proceedings under the call of the Assembly on Assembly Concurrent Resolution No. 12 were dispensed with, on motion of Mr. Riechie.

The roll of absentees was called, and Assembly Concurrent Resolution No. 12 adopted by the following vote:

AYES—Andreas, Boyle, Burns, Michael J., Call, Cassidy, Clark, Dawson, Donihue, Flint, Gilbert, Glick, Hawkins, Hornblower, Hunt, King, Laughlin, Levey, Lore, Maloney, McMurray, Meehan, Miller, George P., Morgan, Patterson, Peek, Pelletier, Peyser, Reaves, Riechie, Robertson, Rosenthal, Sawallisch, Sheehan, Tenney, Turner, Voigt, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—41.

NOES—Baynham, Beene, Breed, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Desmond, Dilworth, Donnelly, Fulcher, Gannon, Heisinger, Johnson, Kepple, Kuchel, Latham, Leonard, Lyon, Mayo, Miller, Eleanor; Millington, Muldoon, Redwine, Seudder, Stream, Walker, and Watson—29.

Title read and approved. Bill ordered transmitted to the Senate.

**Explanation of Vote on Assembly Concurrent Resolution No. 12.**

In changing my vote, I do so merely to eliminate the necessity of attempting to bring to the Assembly, under the call of the House, a colleague who is ill, and who, it was represented, would, if he were present, vote "aye" and thus give the necessary vote for passage of this resolution.

JEFFERSON E. PEYSER.

**Consideration of House Resolution No. 45.**

**House Resolution No. 45**—Relating to printing of transcript of Mooney proceedings in Journal.

House Resolution No. 45 read, and refused adoption by the following vote:

AYES—Cassidy, Clark, Gilbert, Hawkins, Hunt, King, Lore, McMurray, Meehan, Miller, George P., Patterson, Pelletier, Reaves, Rosenthal, Tenney, Voigt, and Yorty—17.

NOES—Andreas, Baynham, Beene, Breed, Call, Corwin, Cottrell, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Glick, Heisinger, Hornblower, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, Mayo, Miller, Eleanor; Millington, Morgan, Muldoon, Peyser, Redwine, Robertson, Sawallisch, Seudder, Sheehan, Stream, Turner, Walker, Weber, Williamson, and Mr. Speaker—45.

### Consideration of House Resolution No. 46.

**House Resolution No. 46**—Relating to printing of 10,000 copies of transcript of Mooney proceedings.

House Resolution No. 46 read, and refused adoption by the following vote:

**AYES**—Clark, Gilbert, Hawkins, Hunt, King, Lore, Meehan, Miller, George P., Patterson, Pelletier, Richie, Rosenthal, Tenney, and Yorty—14.

**NOES**—Andreas, Baynham, Beene, Boyle, Breed, Call, Cassidy, Corwin, Cottrell, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Glick, Heisinger, Hornblower, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Miller, Eleanor; Millington, Morgan, Muldoon, Peyser, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Stream, Turner, Voigt, Walker, Weber, Williamson, and Mr. Speaker—49.

### Assembly Concurrent Resolution No. 13 Withdrawn and Stricken from Calendar.

On motion of Mr. Richie, Assembly Concurrent Resolution No. 13 was ordered withdrawn and stricken from the calendar.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Joint Resolution No. 3**—Relative to memorializing and petitioning the President of the United States and the Congress to enact legislation providing mediation and arbitration of labor disputes.

Assembly Joint Resolution No. 3 read, and adopted by the following vote:

**AYES**—Baynham, Beene, Breed, Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Crowley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Garland, Heisinger, Hornblower, Johnson, Kepple, Kuchel, Laughlin, Leonard, Levey, Lore, Maloney, Mayo, Miller, Eleanor; Miller, George P., Morgan, Patterson, Peyser, Sawallisch, Scudder, Sheehan, Stream, Turner, Voigt, Walker, Weber, Williamson, and Mr. Speaker—43.

**NOES**—Andreas, Gannon, Hawkins, King, Meehan, Millington, Pelletier, Richie, Robertson, Rosenthal, Tenney, and Yorty—12.

Title read and approved. Bill ordered transmitted to the Senate.

### Consideration of Senate Constitutional Amendment No. 1.

**Senate Constitutional Amendment No. 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XIII thereof a new section to be numbered 14½, relating to the taxation of insurance companies and associations.

Senate Constitutional Amendment No. 1 read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Laughlin, Leonard, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Peyser, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—63.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Consideration of Senate Bill No. 6.

#### Case of Urgency.

The following resolution was offered:

By Mr. Scudder:

*Resolved*, That Senate Bill No. 6 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.



Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Hawkins, Hornblower, Johnson, Kepple, King, Kuchel, Laughlin, Leonard, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Peyser, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—62.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Senate Bill No. 6, at this time.

**Third Reading of Senate Bill No. 6.**

**Senate Bill No. 6**—An act to amend sections 3664b, 3666a, 3668, 3668b, 3668c and 3669 of the Political Code, all relating to the taxation of insurance companies and associations under the provisions of Article XIII of the Constitution of this State, and providing that this act shall take effect upon the effective date of Senate Constitutional Amendment No. 1, proposed at the extraordinary session of the Legislature commencing on the seventh day of March, 1938.

Bill read third time, and passed by the following vote:

AYES—Andreas, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Hawkins, Hornblower, Johnson, Kepple, King, Kuchel, Laughlin, Leonard, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Peyser, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—61.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Bill No. 29**—An act to add to sections 6 and 7 of an act entitled, "An act to provide for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof," approved June 14, 1935, conferring upon the State Planning Board certain powers, duties, and jurisdiction over public corporations created for the purpose of engaging in low cost housing and slum clearance and defining the scope thereof, to declare an emergency and to take effect immediately.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Beene, Boyle, Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Dannenbrink, Dawson, Dilworth, Donihue, Fulcher, Gannon, Garland, Gilbert, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Laughlin, Leonard, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Peyser, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—57.

NOES—None.

Assembly Bill No. 29 read third time, and refused passage by the following vote:

AYES—Dilworth, Morgan, Patterson, and Yorty—4.

NOES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Flint, Fulcher, Gannon, Garland, Hawkins, Heisinger, Hornblower, Johnson, Kuchel, Leonard, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Muldoon, Peek, Pelletier, Peyser, Richie, Sawallisch, Scudder, Stream, Turner, Walker, Watson, Welsh, Williamson, and Mr. Speaker—47.

### Introduction and Reference of Bills—(Resumed).

The following bill was introduced:

**Assembly Joint Resolution No. 15:** By Mr. Garland—Relative to aliens in America.

Introduced, and ordered placed upon the calendar without reference to committee.

### Reports of Standing Committees.

The following report of standing committee was received and read:

#### On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1938.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 3.

Assembly Concurrent Resolution No. 4.

Assembly Concurrent Resolution No. 5.

Assembly Concurrent Resolution No. 6.

Assembly Concurrent Resolution No. 7.

And reports the same correctly enrolled, and presented to the Governor on this eleventh day of March, 1938, at four o'clock p.m.

CUNNINGHAM, Chairman.

### Guests Extended Privilege of Assembly Floor.

On request of Mr. Kuchel, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Hon. P. A. Stanton.

On request of Mr. Cunningham, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Donald W. Drew, City Judge of Arcata.

On request of Mr. Breed, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Laura Barnes of Oakland.

On request of Mr. Thorp, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Annetta B. Morrison, teacher, and the following students of the citizenship class of the Adult Education Department of the Lodi Union High School: Sidney Couper, Mrs. Sidney Couper, George B. Scheideman, George Voelker, Mrs. Anna Voelker, Mrs. Augusta Becker, Samuel Herchkorn, Stefano Rocco, Bert Costamagna, John D. Miller, Mrs. John D. Miller, Adam Flaig, Mrs. Katherine Flaig, Karpo Tkaschuck, Godfried Beisal, Mrs. Annie Beisal, David Beisal, H. L. Richter, Mrs. H. L. Richter, Samuel G. Morrison, G. F. Gant, Mrs. G. F. Gant, E. File, Mrs. E. File, Henry Lind, and Mrs. Henry Lind.

### Adjournment.

At twelve o'clock p.m., on motion of Mr. Boyle, the Speaker declared the Assembly adjourned this day until nine o'clock a.m., Saturday, March 12, 1938.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE  
FIFTY-SECOND (EXTRAORDINARY) SESSION

# ASSEMBLY DAILY JOURNAL

SIXTH LEGISLATIVE DAY  
SIXTH CALENDAR DAY

## IN ASSEMBLY

ASSEMBLY CHAMBER,  
SACRAMENTO, Saturday, March 12, 1938.

At nine o'clock a.m., pursuant to adjournment, the Assembly was called to order.

Hon. Henry P. Meehan, Speaker pro tempore of the Assembly, in the chair.

Chief Clerk James G. Smyth at the desk.

### Roll Call.

The roll was called, and the following members answered to their names:

Audreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor, Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—74.

Quorum present.

### Prayer.

Prayer was offered by Rev. Wm. F. Elmann, Chaplain of the Assembly.

### Reading of the Journal Dispensed With.

On motion of Mr. Garibaldi, the further reading of the Journal of Friday, March 11, 1938, was dispensed with.

### Leaves of Absence for the Day.

The following members were granted leave of absence for the day:

Mr. Burns, Hugh M., on motion of Mr. Garibaldi.

Mr. Cunningham, on motion of Mr. Morgan.

Mr. Field, on motion of Mr. Redwine.

Mr. Cronin, on motion of Mr. McMurray.

### Senate Message.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No. 15.

Assembly Bill No. 14.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

The above reported bills ordered to enrollment.

### Third Reading of Assembly Bills.

Assembly Bill No. 26—An act to regulate the issuance of bonds of the California Toll Bridge Authority for or in connection with the

San Francisco-Oakland Bay Bridge, and making an appropriation to secure the payment of interest on, and the redemption of, such bonds.

**Assembly Bill No. 26 Considered in Committee of the Whole.**

On motion of Mr. Patterson, Assembly Bill No. 26 was considered in the Committee of the Whole.

**Further Consideration of Assembly Bill No. 26.**

**Assembly Bill No. 26**—An act to regulate the issuance of bonds of the California Toll Bridge Authority for or in connection with the San Francisco-Oakland Bay Bridge, and making an appropriation to secure the payment of interest on, and the redemption of, such bonds.

**Demand for Previous Question.**

Messrs. Hunt, Morgan, Garibaldi, Stream and Corwin demanded the previous question.

Demand for previous question sustained.

The question being on the passage of Assembly Bill No. 26.

The roll was called, and Assembly Bill No. 26 refused passage by the following vote:

**AYES**—Cassidy, Dannenbrink, Donihue, Gilbert, Heisinger, Johnson, Meehan, Miller, George P., Patterson, Reaves, Richie, and Yorty—12.

**NOES**—Andreas, Baynham, Boyle, Breed, Burns, Michael J., Call, Corwin, Cottrell, Daley, Dawson, Desmond, Dilworth, Donnelly, Flint, Fulcher, Gannon, Garibaldi, Glick, Hornblower, Hunt, Kepple, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Miller, Eleanor, Millington, Morgan, Muldoon, Peyser, Redwine, Robertson, Scudder, Sheehan, Stream, Voigt, Walker, Watson, Weher, Welsh, Williamson, and Mr. Speaker—45.

**Consideration of Assembly Constitutional Amendment No. 2.**

**Assembly Constitutional Amendment No. 2**—Propose 1 amendment to Article XVI of the Constitution by adding section 11 thereto, relative to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare.

**Motion to Amend Assembly Constitutional Amendment No. 2.**

Mr. Yorty moved to amend Assembly Constitutional Amendment No. 2 as follows:

**Amendment No. 1.**

On page 1, line 7, of the title of the printed measure, strike out “, to the Department of Social Welfare.”, and insert in lieu thereof a period.

**Amendment No. 2.**

On page 1 of the printed measure, strike out lines 10 to 25 inclusive, strike out all of pages 2, 3, and 4, inclusive, and insert in lieu thereof the following:

“SEC. 11. Notwithstanding any provision of section 10 of this Article of the Constitution to the contrary, the Legislature has plenary power to provide for the administration of any constitutional provisions or laws heretofore or hereafter enacted concerning the administration of relief, and to that end may modify, transfer, or enlarge the powers vested in the Relief Administrator, the Relief Commission or any other State agency or officer concerned with the administration of relief or laws appertaining thereto. The Legislature, or the people by initiative, shall have power to amend, alter, or repeal any law relating to the relief of hardship and destitution, whether such hardship and destitution results from unemployment or from other causes, or to provide for the administration of the relief of hardship and destitution, whether resulting from unemployment or from other causes, either directly by the State or through the counties of the State, and to grant such aid to the counties therefor, or make such provision for reimbursement of the counties by the State, as the Legislature deems proper.”

**Demand for Previous Question.**

Messrs. Desmond, Gannon, Morgan, Corwin, and Andreas demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments by Mr. Yorty to Assembly Constitutional Amendment No. 2.



The roll was called, and the amendments refused adoption by the following vote:

AYES—Boyle, Clark, Crowley, Donihue, Donnelly, Garibaldi, Garland, Gilbert, Heisinger, Hunt, King, Lore, Meehan, Miller, George P., Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Turner, Voigt, Yorty, and Mr. Speaker—24.

NOES—Andreas, Baynham, Beene, Breed, Burns, Michael J., Cassidy, Corwin, Cottrell, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Flint, Fulcher, Gannon, Glick, Hornblower, Johnson, Kepple, Kuchel, Laughlin, Leonard, Levey, Maloney, McMurray, Miller, Eleanor; Millington, Morgan, Muldoon, Peyser, Redwine, Sawallisch, Scudder, Sheehan, Stream, Thorp, Walker, Watson, Weber, Welsh, and Williamson—42.

### Recess.

At eleven o'clock and twenty minutes a.m., on motion of Mr. King, the Assembly was declared at recess until eleven o'clock and twenty-five minutes a.m.

### Reassembled.

At eleven o'clock and twenty-five minutes a.m., the Assembly reconvened.

Speaker Jones in the chair.

### Third Reading of Senate Bills.

**Senate Joint Resolution No. 4**—Relative to memorializing the President and Congress to provide for the maintenance of intercoastal steamship lines between the Atlantic seaboard and the Pacific Coast.

Senate Joint Resolution No. 4 read, and adopted by the following vote:

AYES—Andreas, Baynham, Burns, Michael J., Call, Cassidy, Clark, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garibaldi, Garland, Hawkins, Hornblower, Hunt, Johnson, Kepple, Kuchel, Latham, Laughlin, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Peek, Pelletier, Peyser, Richie, Rosenthal, Sawallisch, Stream, Turner, Watson, Welsh, Williamson, and Mr. Speaker—47.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Concurrent Resolution No. 16**—Relative to housing conditions at the Veterans' Home of California.

Assembly Concurrent Resolution No. 16 read, and adopted by the following vote:

AYES—Andreas, Baynham, Boyle, Breed, Burns, Michael J., Call, Cassidy, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Hawkins, Hornblower, Johnson, Kepple, Kuchel, Laughlin, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Peek, Pelletier, Peyser, Reaves, Richie, Rosenthal, Sawallisch, Stream, Tenney, Turner, Voigt, Watson, Welsh, Williamson, and Mr. Speaker—51.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Joint Resolution No. 9**—Relative to memorializing the Congress of the United States to extend assistance to the American Merchant Marine.

Assembly Joint Resolution No. 9 read, and adopted by the following vote:

AYES—Andreas, Breed, Burns, Michael J., Call, Cassidy, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Hawkins, Hornblower, Hunt, Johnson, Kepple, Kuchel, Latham, Laughlin, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Rosenthal, Sawallisch, Stream, Tenney, Thorp, Turner, Voigt, Watson, Welsh, Williamson, Yorty, and Mr. Speaker—54.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Joint Resolution No. 12**—Relative to memorializing Congress concerning the tariff on tungsten products.

Assembly Joint Resolution No. 12 read, and adopted by the following vote:

**AYES**—Andreas, Breed, Burns, Michael J., Call, Cassidy, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Hornblower, Hunt, Johnson, Kuchel, Latham, Laughlin, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Rosenthal, Sawallisch, Stream, Tenney, Thorp, Turner, Voigt, Watson, Welsh, Williamson, Yorty, and Mr. Speaker—52.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Message from the Governor.

The following message from the Governor was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, March 12, 1938.

*To the Members of the Legislature.*

**GREETINGS:** Hon. Frank Bane, Executive Director of the Social Security Board, called me this morning on long distance telephone from Washington, D. C., suggesting that Assembly Bill No. 21 be amended to include substantially the following:

"... which standards shall not in any way abridge the right of county civil service boards to set qualifications for county welfare employees. Such qualifications set by county civil service boards shall be equal to or higher than those established by rule and regulation of the State Social Welfare Board. No rules of eligibility for county employment set by the social welfare board under this section shall disqualify any incumbent employee from continuing in his present position; providing the standard of performance of such employee shall be equal to that established by the Social Welfare Board."

That members of the Legislature may be informed of the wishes of the Social Security Board, I am forwarding their request for your consideration in connection with the above mentioned bill.

Very truly yours,

FRANK F. MERRIAM, Governor of California.

### Further Consideration of Assembly Constitutional Amendment No. 2.

**Assembly Constitutional Amendment No. 2**—Proposed amendment to Article XVI of the Constitution by adding section 11 thereto, relative to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare.

**Motion to Amend Assembly Constitutional Amendment No. 2.**

Mr. Hornblower moved to amend Assembly Constitutional Amendment No. 2 as follows:

#### Amendment No. 1.

On page 4, of the printed measure, after line 5, insert the following:

"(f) Nothing contained in this amendment repeals, amends, or modifies subdivision (j) of section 10 of Article XVI of this Constitution or the Old Age Security Law of the State of California in any manner or in any respect whatever, and the power of the Legislature in regard to pensions or other aid to the aged shall be the same in every respect as if this amendment to the Constitution had not been adopted."

#### Amendment No. 2.

On page 4, line 6, of the printed measure, strike out "(f)", and insert in lieu thereof the following: "(g)".

Amendments adopted.

#### Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to take up Assembly Constitutional Amendment No. 2, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Motion to Amend Assembly Constitutional Amendment No. 2.**

Mr. Lore moved to amend Assembly Constitutional Amendment No. 2 as follows:

**Amendment No. 1.**

On page 2, line 26, of the printed measure, after the last comma, insert the following: "except the Relief Administrator,".

**Amendment No. 2.**

On page 4, line 7, of the printed measure, strike out "December, 1938", and insert in lieu thereof the following: "January, 1939".

Amendments refused adoption by the following vote:

**AYES**—Andreas, Cassidy, Clark, Crowley, Donihue, Donnelly, Garland, Gilbert, Hawkins, Hunt, Laughlin, Lore, McMurray, Meehan, Miller, George P., O'Donnell, Peek, Pelletier, Richie, Rosenthal, Sawallisch, Tenney, Turner, Voigt, Yorty, and Mr. Speaker—26.

**NOES**—Breed, Burns, Michael J., Cottrell, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Fulcher, Heisinger, Hornblower, Johnson, Kepple, Kuchel, Latham, Leonard, Levey, Maloney, Miller, Eleanor, Millington, Morgan, Muldoon, Patterson, Peyser, Reaves, Redwine, Seudder, Sheehan, Stream, Watson, and Williamson—31.

**Motion to Amend Assembly Constitutional Amendment No. 2.**

Mr. McMurray moved to amend Assembly Constitutional Amendment No. 2 as follows:

**Amendment No. 1.**

On page 2, lines 40 and 41, of the printed measure, strike out "qualifications, fitness", and insert in lieu thereof the following: "experience".

Amendment adopted.

**Request for Unanimous Consent.**

Mr. Desmond asked for, and was granted, unanimous consent to take up Assembly Constitutional Amendment No. 2, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Motion to Amend Assembly Constitutional Amendment No. 2.**

Mr. Maloney moved to amend Assembly Constitutional Amendment No. 2 as follows:

**Amendment No. 1.**

On page 3 of the printed bill, strike out all of lines 18 to 21, inclusive.

Amendment adopted.

**Request for Unanimous Consent.**

Mr. Desmond asked for, and was granted, unanimous consent to take up Assembly Constitutional Amendment No. 2, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

**Consideration of Assembly Constitutional Amendment No. 2, as Amended.**

**Assembly Constitutional Amendment No. 2**—Proposed amendment to Article XVI of the Constitution by adding section 11 thereto, relative to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare.

**Call of the Assembly.**

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, eleven o'clock and thirty minutes a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in all absent members.

**Proceedings Under Call of the Assembly by Unanimous Consent.**

**Motion to Limit Debate.**

Mr. Lyon moved that, with the exception of the author, who shall have the right to open and close the debate on any matter to be considered by the Assembly during the balance of this legislative day, no

member shall speak more than once upon a question, and for not over five minutes, and there shall be no yielding of time by one member of the Assembly to another. No questions shall be permitted to be directed to the author of the pending measure after he has closed the debate, except by a two-thirds vote of the elected membership of the Assembly.

Motion carried by the following vote:

AYES—Andreas, Baynham, Boyle, Breed, Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Flint, Fuleher, Gannon, Garibaldi, Garland, Glick, Hawkins, Heisinger, Hunt, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, McMurray, Miller, Eleanor; Millington, Morgan, Muldoon, Pelletier, Peyser, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Stream, Thorp, Voigt, Walker, Watson, Weber, Williamson, and Mr. Speaker—52.

NOES—Donnelly, Gilbert, Hornblower, King, Lore, Meehan, Miller, George P., O'Donnell, Patterson, Rosenthal, Tenney, Turner, and Yorty—13.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 18**—An act making an appropriation to the State Relief Commission or its successor, for the construction of an armory and civic center.

Bill read third time, and refused passage by the following vote:

AYES—Andreas, Boyle, Crowley, Dannenbrink, Donihue, Gilbert, Heisinger, Hornblower, Lore, Maloney, Meehan, Miller, George P., Morgan, Patterson, Pelletier, Reaves, Rosenthal, Welsh, and Yorty—19.

NOES—Baynham, Breed, Burns, Michael J., Cassidy, Corwin, Cottrell, Daley, Dawson, Donnelly, Fuleher, Gannon, Garibaldi, Garland, Glick, Hunt, Johnson, Latham, Laughlin, Leonard, Levey, Miller, Eleanor; Millington, Muldoon, Peyser, Redwine, Robertson, Sawallisch, Sheehan, Stream, Thorp, Voigt, Walker, Watson, Weber, and Mr. Speaker—35.

**Assembly Bill No. 21**—An act to amend the Welfare and Institutions Code by adding section 103.5 thereto, relating to the establishment of personnel standards in the administration of aid to the needy aged, the needy blind and needy children, providing for the enforcement thereof, declaring the urgency thereof, and providing that this act shall take effect immediately.

### Motion to Amend Assembly Bill No. 21.

Messrs. Robertson and Lore moved to amend Assembly Bill No. 21 as follows:

#### Amendment No. 1.

On page 1, line 12, of the printed bill, strike out the period, and insert in lieu thereof the following: “, which standards shall not in any way abridge the right of county civil service boards to set qualifications for county welfare employees. Such qualifications set by county civil service boards shall be equal to or higher than those established by rule and regulation of the State Social Welfare Board. No rules of eligibility for county employment set by the Social Welfare Board under this section shall disqualify any incumbent employee from continuing in his present position; providing the standard performance of such employee shall be equal to that established by the Social Welfare Board.”

Amendment adopted by the following vote:

AYES—Baynham, Boyle, Clark, Cottrell, Daley, Dilworth, Flint, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hunt, Johnson, Kepple, King, Latham, Lore, Lyon, Miller, Eleanor; Morgan, Muldoon, Patterson, Peck, Pelletier, Reaves, Redwine, Robertson, Rosenthal, Stream, Tenney, Turner, Walker, Welsh, and Yorty—36.

NOES—Andreas, Breed, Burns, Michael J., Call, Cassidy, Crowley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Fuleher, Garibaldi, Hornblower, Kuchel, Laughlin, Leonard, Levey, Maloney, Mayo, McMurray, Meehan, Miller, George P., Millington, O'Donnell, Peyser, Sawallisch, Scudder, Sheehan, Thorp, Voigt, Watson, Weber, and Williamson—34.

### Request for Unanimous Consent.

Mr. Lore asked for, and was granted, unanimous consent to take up Assembly Bill No. 21, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.



**Motion to Amend Assembly Bill No. 21.**

Mr. Dawson moved to amend Assembly Bill No. 21 as follows:

**Amendment No. 1.**

On page 1 of the printed bill, strike out line 10, and insert in lieu thereof the following: "the boards of supervisors of each county and city and county shall, by resolution,".

Amendment refused adoption by the following vote:

**AYES**—Baynham, Burns, Michael J., Call, Crowley, Dawson, Donihue, Donnelly, Fulcher, Garibaldi, Garland, Heisinger, Hornblower, Leonard, Levey, Maloney, Mayo, McMurray, Meehan, Millington, Peyser, Sawallish, Seudder, Sheehan, Thorp, Turner, Watson, Weber, and Williamson—28.

**NOES**—Andreas, Boyle, Breed, Cassidy, Clark, Corwin, Cottrell, Daley, Dannenbrink, Flint, Gannon, Gilbert, Glick, Hawkins, Hunt, Johnson, Kepple, King, Kuchel, Latham, Lore, Lyon, Miller, Eleanor; Miller, George P., Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Stream, Tenney, Walker, Welsh, and Yorty—39.

Assembly Bill No. 21 ordered to reprint.

**Senate Message.**

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 5.

Assembly Bill No. 27.

Assembly Joint Resolution No. 4.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

The above reported bills ordered to enrollment.

**Message from the Governor.**

The following message from the Governor was received, read, and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

**Proclamation by the Governor Amending the Proclamation Convening the Legislature in Extraordinary Session.**

WHEREAS, The Legislature of the State of California convened on March 7, 1938, in extraordinary session, pursuant to a proclamation of the Governor dated March 5, 1938, and is now in session; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, FRANK F. MERRIAM, by virtue of the power vested in me by law, do issue this my proclamation amending the aforesaid proclamation convening the Legislature of the State of California, by adding the following purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, to wit:

40. To consider and act upon an act declaring associations mentioned in section 94 of the Agricultural Code instrumentalities of the State for the purposes therein mentioned, and providing for the escheat to the State of the property of such associations upon the dissolution thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twelfth day of March in the year of our Lord 1938.

ATTEST:

FRANK C. JORDAN,  
Secretary of State.

By CHAS. J. HAGERTY,  
Deputy Secretary of State.

(SEAL)

FRANK F. MERRIAM,  
Governor of California.

**Motion to Appoint Special Committee to Wait on Governor.**

Mr. Welsh moved that a Special Committee be appointed to wait upon the Governor, and request him to withdraw the above amendment to his original proclamation.

Motion carried by the following vote:

**AYES**—Andreas, Baynham, Boyle, Breed, Cassidy, Corwin, Cottrell, Dannenbrink, Desmond, Donihue, Donnelly, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Johnson, Kepple, King, Kuchel, Laughlin, Lore, Lyon, McMurray, Morgan, Muldoon, Patterson, Peek, Pelletier, Richie, Robertson, Rosenthal,

Sawallisch, Scudder, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Welsh, Yorty, and Mr. Speaker—46.

NOES—Call, Clark, Dawson, Dilworth, Hornblower, Leonard, Levey, Maloney, Mayo, Meehan, Miller, Eleanor; Millington, O'Donnell, Peyser, Redwine, Weber, and Williamson—17.

#### Appointment of Special Committee.

In accordance with the above motion, the Speaker announced the appointment of Messrs. Welsh, Levey and Rosenthal as such Special Committee to wait upon the Governor.

#### Consideration of Senate Bill No. 4.

**Senate Bill No. 4**—An act to add section 508 to the Streets and Highways Code, relating to State highways.

#### Senate Bill No. 4 Considered in Committee of the Whole.

On motion of Mr. Scudder, Senate Bill No. 4 was considered in the Committee of the Whole.

#### Report of Special Committee.

The Special Committee appointed to wait upon the Governor relative to his amended proclamation, reported that the Governor stated that he would request the Legislature to return the amended proclamation to him.

#### Report of Special Committee Considered in Committee of the Whole.

On motion of Mr. Lyon, the report of the Special Committee was considered in the Committee of the Whole.

#### Motion to Accept Proclamation.

Mr. Morgan moved that the Assembly accept the amended proclamation from the Governor.

#### Substitute Motion.

Mr. Welsh moved, as a substitute motion, that the Assembly return the amended proclamation to the Governor.

Substitute motion lost by the following vote:

AYES—Boyle, Breed, Cassidy, Dannenbrink, Donihue, Donnelly, Gannon, Garland, Gilbert, Glick, Hawkins, Johnson, Laughlin, Miller, George P., Peek, Pelletier, Robertson, Rosenthal, Sawallisch, Turner, Watson, Welsh, and Mr. Speaker—23.

NOES—Andreas, Beene, Call, Clark, Corwin, Cottrell, Crowley, Daley, Dawson, Dilworth, Heisinger, Hornblower, Kepple, King, Kuchel, Latham, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Patterson, Peyser, Richie, Scudder, Sheehan, Stream, Tenney, Walker, Weber, Williamson, and Yorty—38.

#### Motion Ruled Out of Order.

The Speaker ruled motion by Mr. Morgan out of order as, according to the Constitution, the Governor's proclamation did not require acceptance or rejection.

#### Further Consideration of Senate Bill No. 4.

##### Case of Urgency.

The following resolution was offered:

By Mr. Scudder:

*Resolved*, That Senate Bill No. 4 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fuleher, Garland, Gilbert, Glick, Heisinger, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Williamson, Yorty, and Mr. Speaker—64.

NOES—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Senate Bill No. 4, at this time.

**Third Reading of Senate Bill No. 4.**

**Senate Bill No. 4**—An act to add section 508 to the Streets and Highways Code, relating to State highways.

**Motion to Amend Senate Bill No. 4.**

Mr. Sawallisch moved to amend Senate Bill No. 4 as follows:

**Amendment No. 1.**

On page 1, line 4, of the printed bill, after "Geysers", insert a semicolon and the following: "provided, that no State funds shall be expended for the acquisition of rights of way for, or for the construction or maintenance of, Route 208 until the Geysers is owned and operated by the State of California, or any of its political subdivisions, or public nonprofit foundations."

**Demand for Previous Question.**

Messrs. Boyle, Morgan, Kuchel, Cottrell and Corwin demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment by Mr. Sawallisch to Senate Bill No. 4.

Amendment adopted by the following vote:

**AYES**—Andreas, Boyle, Burns, Michael J., Call, Corwin, Cottrell, Dannenbrink, Dawson, Desmond, Dilworth, Donnelly, Fulcher, Garland, Gilbert, Heisinger, Hunt, Johnson, Kepple, Kuchel, Laughlin, Leonard, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Patterson, Peek, Peyser, Richie, Rosenthal, Sawallisch, Seudder, Sheehan, Tenney, Turner, Voigt, Watson, Weber, Williamson, Yorty, and Mr. Speaker—46.

**NOES**—Baynham, Breed, Cassidy, Clark, Crowley, Daley, Donihue, Glick, King, Latham, Lyon, Muldoon, O'Donnell, Reeves, Redwine, Robertson, Stream, Thorp, and Walker—19.

**Request for Unanimous Consent.**

Mr. Seudder asked for, and was granted, unanimous consent to take up Senate Bill No. 4, as amended, at this time, without reference to reprint or calendar.

**Consideration of Senate Bill No. 4, as Amended.**

**Senate Bill No. 4**—An act to add section 508 to the Streets and Highways Code, relating to State highways.

Senate Bill No. 4, as amended, read third time, and passed by the following vote:

**AYES**—Andreas, Baynham, Burns, Michael J., Call, Cassidy, Clark, Corwin, Cottrell, Crowley, Daley, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garibaldi, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Kepple, King, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reeves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Seudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Williamson, and Yorty—63.

**NOES**—Breed, Dannenbrink, Garland, Johnson, Kuchel, and Miller, George—6.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

**Motion to Print Reports in Journal.**

On motion of Mr. Latham, the reports previously filed by the Controller and the Governor under the provisions of House Resolution No. 1 were ordered printed in the Journal.

**REPORT FROM THE CONTROLLER.**

SACRAMENTO, March 10, 1938.

assembly of the State of California, Sacramento, California.  
**GENTLEMEN:** In compliance with House Resolution No. 24, relative to the financial condition of the State, the Controller submits herewith a statement of

the present financial condition of the State, together with estimates of the revenues to be reasonably anticipated for the remainder of this biennium.

Respectfully submitted,

HARRY B. RILEY, State Controller.  
By BERT FOSTER, Deputy Controller.

**Estimates of State Revenues, with Conclusions Drawn as to the Surplus That May Be Anticipated as of June 30, 1939.**

Following the regular session of the Legislature held in 1937, the Controller prepared estimates of revenues for the current biennial period, together with statements of estimated fixed charges and totals of appropriations set up on the books of this office.

Estimates of revenue made at that time were based on a continuation of improvement in business conditions. The appropriations as set up on the books of the office did not include \$7,266,550, which was part of the appropriation for unemployment relief, and which had been earmarked by the Legislature, and earmarkings eliminated by the Governor. The reduction of the total appropriations upon the books of this office in connection with this item was in accordance with the necessary procedure of the Controller whenever there is a question as to the amount of any appropriation. The Controller must limit the expenditures to the smaller rather than the larger of two amounts in all cases where a legal question arises.

As a result of the compilation of the estimates and totals indicated, it was apparent that if business conditions should maintain an upward trend during the biennium, revenues would be sufficient to wipe out the carry-over deficit of the general fund, provide for the obligations of the present biennium, and leave a surplus of approximately \$31,000,000 as of June 30, 1939. This estimate made by the Controller's office forecasting a surplus at the end of the current biennium of \$31,000,000 was based upon no recession in business. The estimates of revenue made at that time proved to be approximately correct for the first six months of the biennial period but the current slump in business, which commenced approximately six months ago, and which has become more acute within the last two months, is beginning to affect our revenues. From consultation with various departments of the State Government collecting taxes, it now becomes apparent that the State revenue will be affected by a recession in business, particularly in the ease of the sales tax and while the effect to date upon actual cash receipts has been negligible, if business conditions do not improve before the end of the present calendar year a further adverse effect is bound to be felt within the next few months, with the possibility of declining revenues from all major tax sources during the next year or year and a half.

In view of the uncertainty resulting from present business conditions, the Controller has felt that before presenting estimates of revenues for your use and information, he should make a further study in relation to each of our major taxes. He has therefore conferred with a number of officials and employees of those agencies of State Government most closely in contact with the tax revenue problems of the State. As a result of conferences in this regard, he has concluded that it is the general consensus of opinion, not only of State officers and employees, but of economists and financiers throughout the country, that business conditions will improve before the end of the present calendar year. However, a difference of opinion exists as to whether the anticipated improvement will begin within the next couple of months or will be delayed until the latter part of the year. As a result of this difference of opinion revenue estimates vary by some millions of dollars. The Controller believes, therefore, that a statement to the effect that estimated revenues will amount to an exact figure, would be misleading. For this reason, he has prepared two sets of revenue estimates, one of which is based on the assumption that business conditions will not definitely improve until the latter part of this calendar year; the other set of estimates is based on the more optimistic assumption that business conditions will begin to improve within the next couple of months.

The total estimated revenue for the general fund for the current biennial period, based on the less optimistic view, equals \$334,800,000. This amount of revenue will take care of fixed charges and appropriations of the current biennial period, eliminate the carry-over deficit of June 30, 1937, and leave a surplus of slightly over one million and a half. This estimated surplus, however, is based on the further assumption that the appropriation for unemployment relief made during the 1937 session of the Legislature will finally be decided to be the smaller of the two amounts in question. If it should be decided that the full \$48,000,000 was appropriated, the lower estimates of revenue would not be sufficient to cover all expenditures plus carry-over deficit, and we would be faced with a deficit as of June 30, 1939, of approximately five and a half million dollars.

The more optimistic estimates of revenues total \$358,600,000. This amount of revenue will cover all expenditures of the present biennial period, authorized prior to this extraordinary session of the Legislature, will wipe out the carry-over deficit of June 30, 1937, and will leave a surplus of approximately eighteen and a quarter million.



In all probability, taxes for the general fund, together with other general fund revenues, will actually amount to a total somewhere between the reasonable minimum and maximum figures indicated. While the Controller finds it necessary, because of present business conditions, to modify his former estimates, he is of the opinion that revenues of the current biennial period will balance the budget, wipe out the former deficit, and leave some surplus for the general fund. This opinion contemplates a total of fixed charges and appropriation as listed in the attached statements, and as at present set up on the books of his office.

The following pages contain statements of estimates of revenues as outlined above, together with estimates of fixed charges for the current biennium, and estimates of surplus reflecting the reasonable minimum and maximum figures herein described.

There is also attached a statement of the cash condition of the general fund as of February 28, 1938, together with a statement of revenues received this fiscal year to date, compared with revenues from the same sources during the corresponding period of the preceding year.

#### SCHEDULE 1.

#### State of California—General Fund—Statement of Estimated Revenues for the Biennium 1937-1939.

Source	Minimum	Maximum
Retail sales and use taxes-----	\$170,000,000 00	\$185,000,000 00
Bank and corporation franchise taxes-----	39,000,000 00	42,000,000 00
Personal income taxes-----	40,000,000 00	41,500,000 00
Inheritance taxes-----	19,500,000 00	20,600,000 00
Liquor taxes and licenses-----	23,000,000 00	24,000,000 00
Insurance taxes-----	13,800,000 00	13,800,000 00
Motor vehicle license ("in lieu") taxes-----	14,000,000 00	14,700,000 00
Motor transportation taxes-----	4,500,000 00	5,000,000 00
Miscellaneous-----	11,000,000 00	12,000,000 00
Totals-----	\$334,800,000 00	\$358,600,000 00

#### SCHEDULE 2.

#### State of California—General Fund—Statement of Estimated Fixed Charges for the Biennium 1937-1939.

Source	Amount
Elementary schools-----	\$ 82,410,000 00
High schools-----	57,720,000 00
Junior colleges-----	1,200,000 00
Vocational education-----	623,000 00
Aid to aged-----	24,000,000 00
Aid to needy children-----	5,500,000 00
Aid to blind-----	2,000,000 00
Interest and redemption of State bonds-----	11,706,000 00
Interest on registered warrants-----	800,000 00
State employees' retirement-----	1,300,000 00
Teachers' retirement-----	835,000 00
Judges' retirement-----	70,000 00
Total-----	\$188,164,000 00

#### SCHEDULE 3.

#### State of California—General Fund—Surplus as of June 30, 1939.

	Minimum Revenue Estimates	Maximum Revenue Estimates
<b>Resources—</b>		
Revenue collections estimated for the biennium (see Schedule 2)-----	\$334,800,000	\$358,600,000
<b>Obligations—</b>		
Budget Bill of 1937 (Chap. 157, Stat. 1937)-----	\$ 97,247,650	\$ 97,247,650 <sup>2</sup>
Special appropriations-----	29,028,561	29,028,561
Recurrent appropriations-----	1,135,450	1,135,450
Estimated fixed charges (see Schedule 3)-----	188,164,000	188,164,000
Total obligations-----	\$315,575,670	\$315,575,670
Surplus for biennium-----	\$ 19,224,330	\$ 43,024,330
Deduct—carry-over deficit from 1935-1937 biennium-----	-17,607,103	-17,607,103*
Estimated surplus at June 30, 1939-----	\$ 1,617,227	\$ 25,417,227

<sup>2</sup>Includes only \$40,733,450 for unemployment relief.

\*Not modified by reversions to take place June 30, 1939. Such modification would reduce the deficit shown herein by about \$2,500,000. The Controller's office assumes that some deficiency appropriations will be passed at the next regular legislative session which will at least partially offset reversions.

State of California—General Fund—Cash Condition as of February 28, 1938.

	July 1, 1937	July 1, 1936
	to	to
Registered warrants—	Feb. 28, 1938	Feb. 28, 1937
Outstanding on January 31	\$ 32,769,194 40	\$ 41,318,647 56
Issued in February	7,159,890 04	5,444,356 03
	\$ 39,929,084 44	\$ 46,763,003 59
Less—Called in February	19,164,987 65	21,515,904 52
Total registered warrants outstanding	\$ 20,764,096 79	\$ 25,247,099 07
Loans from other funds—		
for unemployment relief		6,700,000 00
For cash revolving fund	7,270,000 00	5,000,000 00
Less—Cash balance on February 28	2,170,107 81	2,419,459 17
Due by general fund	\$ 5,099,892 19	\$ 9,280,540 83
Total current debt	\$ 25,863,988 98	\$ 34,527,639 90
Cash balance at February 28—		
General fund	\$ 5,369,556 29	\$ 1,510,440 56
Available for transfer to general fund		
Bank and corporation franchise tax	114,804 57	355,919 27
Retail sales tax	930,479 27	1,643,160 22
Personal income tax	233,718 20	281,586 85
Alcohol beverage tax	800,378 64	3,499,795 07
Motor vehicle license fees	*1,524,313 29	*1,983,842 53
Total cash balance	\$ 8,973,250 26	\$ 9,274,744 50
General fund cash deficiency	\$ 16,890,738 72	\$ 25,252,895 40

\*Required to be set aside for highway bond charges. Not available for other general fund purposes.

Sundry Taxes Received to Date This Fiscal Year as Compared With Last Year.

	July 1, 1937	July 1, 1936
	to	to
General fund revenue—direct—	Feb. 28, 1938	Feb. 28, 1937
Insurance company taxes	\$ 6,649,239 63	\$ 6,544,888 29
Motor transportation license taxes	1,649,553 74	1,466,627 51
Inheritance taxes	6,204,349 77	4,798,436 89
All other general fund revenue	4,228,589 48	3,471,355 20
Retail sales taxes—partly for general fund	69,431,891 97	62,710,266 53
Personal income taxes—partly for general fund	9,882,853 99	5,560,358 05
Bank and corporation franchise taxes—		
for general fund	10,324,804 57	7,258,930 53
Motor vehicle license fees—partly for		
general fund	4,517,308 86	3,571,768 28
Alcohol beverage control revenue—partly		
for general fund—		
Liquor licenses	3,727,158 63	5,796,475 61
Stamp taxes	5,555,779 00	5,033,019 41
Beverage excise taxes	1,365,047 69	1,931,166 95
Gasoline taxes—for highways, State and county	32,458,233 06	29,785,111 01

Compiled under the direction of Harry B. Riley, State Controller.

State of California—General Fund—Cash Condition as of February 28, 1938.

	July 1, 1937	July 1, 1936
	to	to
Cash—	Feb. 28, 1938	Feb. 28, 1937
Balance as of June 30	\$ 18,867,914 44	\$ 6,784,973 19
Add—Cash receipts—July 1 to February 28		
(per attached)	136,027,315 18	109,284,579 48
	\$154,895,229 62	\$116,069,552 67
Deduct—Cash disbursements—July 1 to February 28 (per attached)	145,921,979 36	106,794,808 17
Balance as of February 28	\$ 8,973,250 26	\$ 9,274,744 50
Registered warrants—		
Outstanding as of June 30	\$ 41,706,239 65	\$ 49,913,526 84
Add—Issues, July 1 to February 28 (per attached)	52,305,638 63	26,988,129 03
	\$ 94,011,878 28	\$ 76,901,655 87
Deduct—Calls for payment, July 1 to February 28 (per attached)	73,247,781 49	51,654,556 80
Balance outstanding as of February 28	\$ 20,764,096 79	\$ 25,247,099 07

Compiled under the direction of Harry B. Riley, State Controller.

## State of California—General Fund—Cash Receipts and Disbursements as of February 28, 1938.

	July 1, 1937 to Feb. 28, 1938	July 1, 1936 to Feb. 28, 1937
Cash revenues—		
Retail sales tax-----	\$68,111,110 34	\$61,714,724 85
Bank and corporation franchise tax-----	10,324,804 57	7,258,930 53
Personal income tax-----	9,640,683 96	5,378,583 12
Liquor tax and license-----	8,150,378 64	9,787,453 80
Motor vehicle license fee-----	2,597,250 79	2,175,520 14
Inheritance tax-----	6,204,349 77	4,798,436 89
Insurance companies tax-----	6,649,239 63	6,544,888 29
Motor vehicle transportation tax-----	1,649,553 74	1,466,627 51
Sundry other revenue-----	4,228,580 48	3,471,355 20
Total revenue-----	\$117,555,960 92	\$102,596,520 33
Nonrevenue cash receipts—		
Abatements of expense and miscellaneous-----	\$1,362,119 89	\$855,108 09
Fair and exposition fund to set up appropriations-----	905,671 06	715,395 11
Return of departmental revolving funds-----	181,145 00	-----
Return of Treasurer's revolving fund for interest on warrants-----	150,000 00	280,000 00
Return of bond payments made for Veterans' Farm and Home Building fund-----	4,606,017 50	4,683,900 00
Payments of loans from other funds-----	6,850 45	16,547 55
Borrowed from sundry funds-----	9,600,000 00	-----
County relief loan payments-----	1,659,550 36	137,108 40
Total cash receipts-----	\$136,027,315 18	\$109,284,579 48
Cash expenditures for fixed charges and appropriations—		
Bond interest and redemption-----	3,036,598 98	3,040,908 50
Bond interest and redemption on Veterans' Welfare bonds-----	4,606,017 50	3,659,680 00
Interest on registered warrants-----	376,750 93	1,806,410 29
School apportionments:		
Elementary schools-----	24,721,956 39	24,358,878 78
High schools-----	17,148,384 00	16,391,437 80
Junior colleges-----	164,446 00	482,322 00
University of California-----	5,887,841 82	4,951,431 11
Unemployment relief-----	2,027,964 08	-----
Aid to aged-----	233,252 87	-----
Aid to needy children-----	634,688 03	-----
Aid to blind-----	193,969 46	-----
Miscellaneous fixed charges and appropriations-----	3,891,827 33	-----
Total-----	\$82,923,697 39	\$54,691,068 48
Other cash disbursements—		
Registered warrants called-----	73,247,781 49	51,654,556 80
Repayment of borrowed money-----	9,600,000 00	-----
Reissue of cancelled warrants and miscellaneous-----	500 48	20,082 89
Treasurer's revolving fund for interest on warrants-----	150,000 00	429,100 00
Total cash disbursements-----	\$145,921,979 36	\$106,794,808 17
Expenditures by registered warrants—		
Aid to aged-----	11,649,519 23	1,326,623 14
Aid to needy children-----	2,669,844 78	2,042,974 92
Aid to blind-----	849,164 78	424,408 30
Unemployment relief-----	19,886,918 88	*8,000,000 00
Unified construction program-----	1,816,926 50	-----
Miscellaneous fixed charges and appropriations-----	15,433,264 46	15,194,122 67
Total registered warrants-----	\$52,305,638 63	\$26,988,129 03

\*In addition SERA fund borrowed \$4,200,000 from other funds after July 1, 1936, which general fund was obligated to repay.

Compiled under the direction of Harry B. Riley, State Controller.

## REPORT FROM THE GOVERNOR.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, March 11, 1938.

To the Honorable Members of the Assembly.

GREETINGS: Pursuant to the request of your honorable body, as contained in House Resolution No. 24, adopted March 8, 1938, I am transmitting herewith the following statements prepared at my direction by the Department of Finance:

Table I—Summarization of the general fund budget for the biennium 1937–1939.

Table II—Estimated general fund revenue, biennium 1937–1939.

These statements give effect to revised appraisals of outlays required to meet fixed obligations, to appropriations enacted by the 1937 regular session of the

Legislature, and to revised estimates of revenues reasonably to be anticipated in the light of present conditions. The statements also indicate the effect of the appropriation measures recommended by me to the special session upon the estimated position of the general fund at the close of the biennium.

To review briefly the expenditure side of the State's financial program for the current biennium, you will recall that I submitted to the Legislature a general fund budget calling for the expenditure of \$299,045,000. Revisions in this budget made by your body, together with the cost of special appropriations and additional fixed charges voted at the last regular session, increased the general fund requirements to an estimated \$325,178,788. Of this amount, \$179,294,000 represents the estimated payments and grants to local governments for support of schools, for aid to needy aged, blind, and children, and for other purposes. This figure may require some revision as we gain experience under the liberalized Old Age Security Act. During the first eight months of the present fiscal year the number of aged persons given assistance under this act has increased over 25 per cent. Presumably this is a temporary situation arising by reason of the fact that the present act removes many of the restrictions which were in effect prior to the amendments of 1936 and 1937. In the event that the case load should continue to increase at this rate throughout the remainder of the biennium, the mandatory charges against the State for this purpose will be increased materially above present estimates.

State Government operations during the current biennial period will require an expenditure of \$145,805,000 of which \$64,471,000 will be used for current operations, \$48,302,000 for unemployment relief, \$18,847,000 for capital outlays, and the balance for debt service and emergencies. Appropriations for capital construction total approximately \$10,000,000 above the minimum requirements recommended in my budget. The large part of this increase is comprised in the \$7,206,000 unified building program authorized by Chapter 799 of the Statutes of 1937. It is my intention to hold this construction program in abeyance pending more definite knowledge of the State's financial requirements with respect to unemployment relief and of the volume of tax revenue to be collected during this biennium.

I have recommended that appropriations for State Government be augmented by \$7,900,000 to meet emergency demands for relief resulting from recent disastrous floods, and to provide additional funds for the alleviation of distress due to increased unemployment. If these recommendations meet with the approval of the Legislature, total general fund obligations for the current biennium will be increased to approximately \$333,000,000. Any additional appropriations voted will, of course, further increase this figure.

As to the receipts side of the budget, economic conditions in the Nation today are such as to make particularly hazardous any estimate of governmental revenue. During the last six months business operations have fallen substantially below the levels which prevailed during the strong recovery movement of 1936, and the early months of 1937. Present conditions fail to reveal definite evidence either of further serious declines or of substantial improvement. In preparing the attached revenue estimates the Department of Finance has assumed that the current recession has practically run its course, but that the present depressed volume of business operations will continue throughout the spring and summer months, followed by a gradual resumption of the recovery movement. This appears to be a reasonably conservative appraisal of the business outlook, and is in accord with forecasts voiced by many economists. Upon the basis of this assumption, it is anticipated that the State will receive approximately \$337,325,000 in general fund revenue during this biennium. It should be carefully noted, however, that the uncertainties in the course of business affairs require the qualification of present estimates. If conditions improve rapidly and recover within a few months to the levels of last year, these estimates may be exceeded by as much as \$15,000,000. If business conditions continue to fall toward acute depression, actual receipts may fall short of these estimates by as much as \$20,000,000.

With presently authorized expenditures of \$325,179,000 and prospective revenues of \$337,325,000 the State's general fund budget for the current biennium is in balance. Even after providing for the \$7,900,000 of emergency appropriations originally recommended for your consideration, excess revenues amounting to \$4,246,000 would be available to apply against the \$14,000,000 deficit inherited from depression years.

At the time of the last regular legislative session, the healthy economic conditions in this State gave promise of producing sufficient revenue to finance my recommended expenditure program and the increased appropriations enacted at that session, completely retire the carry-over deficit, and leave a small surplus with which to commence the next biennium. Developments of the last six months have necessitated a downward revision of the revenue estimates upon which this outlook was based. The present analysis of revenue and expenditure set forth in the accompanying statement indicates that all but \$1,854,000 of the carry-over deficit would be retired by June 30, 1939, if new appropriations were not now necessary. The recommended increase in the State's emergency fund and the additional requirement for unemployment relief would carry this prospective deficit to \$9,754,000, an amount easily liquidated from present tax sources during a period of general business prosperity.



May I assure you of my wish to be of assistance in furnishing any additional material which may be desired in connection with your deliberations.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Table I.  
State of California

Summarization of the General Fund Budget for the Biennium 1937-1939  
Revised as of March 8, 1938

Giving effect to revised estimates of revenues and fixed charges, to the Budget Bill, special appropriations, and revenue measures enacted by the 1937 session of the Legislature, and to appropriation measures proposed to the 1938 special session of the Legislature.

Estimated General Fund Deficit at beginning of biennium, July 1, 1937 (Excess of appropriations and other obligations over resources)	\$14,000,000 00
ADD: Estimated revenues for the biennium (Detailed in Table II)	\$337,325,000 00
Net revenues available to meet expenditures of the current biennium	323,325,000 00
DEDUCT: Expenditures authorized by existing appropriations and fixed charges:	
PAYMENTS AND GRANTS TO LOCAL GOVERNMENT:	
For public schools	\$144,146,861 00
For social welfare and public health	33,866,936 00
For other purposes	1,280,000 00
Subtotal, payments and grants	\$179,293,797 00

EXPENDITURES OF THE STATE GOVERNMENT:	
Ordinary current expenses	\$64,470,813 00
Unemployment relief	48,301,890 00
Capital outlay	18,847,438 00
Debt service	12,514,850 00
Reserves for emergencies	1,750,000 00
Subtotal, State Government expenditures	\$145,884,691 00

TOTAL AUTHORIZED EXPENDITURES	325,178,788 00
Resultant estimated General Fund Deficit at close of biennium, June 30, 1939, after providing for expenditures presently authorized	\$1,853,788 00
DEDUCT: Additional appropriations contained in measures submitted by the Governor for consideration at the present special session of the Legislature:	
Item 30 (A. B. 25), Emergency Fund	\$3,000,000 00
Item 31 (A. B. 24), Unemployment Relief	4,900,000 00
	\$7,900,000 00

Resultant estimated General Fund Deficit at close of biennium, June 30, 1939, after providing for additional appropriations \$9,753,788 00

NOTES: (a) Subject to the conditions and assumptions noted in Table II attached.

(b) Not including the proposed appropriation of \$6,000,000.00 to aid the counties in meeting their share of the cost of old age assistance. To the deficit estimated above must be added the amount of this, or other additional appropriations, if enacted.

Department of Finance, Division of Budgets and Accounts, March 19, 1938.

Table II.

Estimated General Fund Revenue, 1937-1939 Biennium  
Actual Collections to February 28, 1938, and Estimated Collections for the Remainder of the Biennium.

Source of revenue	Actual collections, July 1, 1937, to Feb. 28, 1938 (8 months)	Estimated collections, Mar. 1, 1938, to June 30, 1938 (4 months)	Estimated total collections, 80th fiscal year (Ending June 30, 1938)	Estimated total collections, 81st fiscal year (Ending June 30, 1939)	Estimated total collections, 1937-1939 biennium
Retail sales and use taxes	\$45,143,624	\$38,796,376	\$183,850,000	\$86,300,000	\$170,150,000
Bank and corporation franchise tax	10,324,805	10,075,195	20,400,000	19,500,000	39,900,000
Personal income tax	9,640,684	10,709,316	29,359,000	18,909,000	39,250,000
Inheritance tax	6,204,350	4,795,650	11,000,000	8,000,000	19,000,000
Gross premiums tax on insurance companies	6,649,240	760	6,650,000	7,100,000	13,750,000
Alcoholic beverage taxes:					
Excise tax on distilled spirits	5,555,779	2,944,221	8,500,000	8,590,000	17,000,000
Excise tax on beer and wine	1,365,048	634,952	2,000,000	2,000,000	4,000,000
Liquor licenses	1,229,552	20,448	1,250,000	1,250,000	2,500,000
Motor transportation license tax	1,671,164	728,836	2,400,000	2,250,000	4,650,000
Motor vehicle license (in lieu) tax	2,597,250	4,402,750	7,000,000	7,875,000	14,875,000
Corporate income tax of 1937				300,000	300,000
Private car company of 1937				250,000	250,000
Other sources	4,206,979	1,493,021	5,700,000	6,000,000	11,700,000
Totals	\$94,588,475	\$74,511,525	\$169,100,000	\$168,225,000	\$337,325,000

NOTE: California business conditions during the next twelve months will fundamentally determine the amount of revenue to be collected by the state during the remainder of the 1937-1939 biennium. Business conditions in recent months have been substantially below the levels of a year ago, but state tax revenue for the period from July 1, 1937, to February 28, 1938, compares favorably with that of the corresponding months of last year. Tax collections from the various sources lag from three to eighteen months behind the business operations upon which the taxes are based. Receipts to the state treasury during the next quarter, therefore, will undoubtedly reflect the lower business levels which have prevailed recently.

The accompanying estimates of tax revenue are predicated upon the assumption that the current recession has practically run its course; but that the present depressed volume of business operations will continue for three to six months, followed by a gradual resumption of the recovery movement. This appears to be the consensus of those economists who have expressed themselves upon the short term business outlook. It should be kept in mind, however, that a departure from the assumed pattern of business conditions will result in actual revenue differing materially from the total estimated above. In the event there is an immediate return to the strong recovery movement experienced in 1936 and the early months of 1937, these estimates will prove to be too low by as much as \$15,000,000 in the aggregate. On the other hand, should there be further declines toward acute depression, the estimated total of \$337,325,000 will prove to be too optimistic—possibly by as much as \$20,000,000.

State Department of Finance, Division of Budgets and Accounts, March 9, 1938.

### Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 20**—An act relating to lands owned by the State; reserving all minerals and all oil and gas in State lands; providing for prospecting for and taking such minerals and for the extraction and removal of oil and gas therefrom; providing for the acquisition by purchase or condemnation of interests in privately owned lands to facilitate the operations provided for or contemplated by this act; creating a State Lands Commission, prescribing its power and duties, and transferring to and vesting in the State Lands Commission the administration of and jurisdiction over State lands; repealing acts or parts of acts in conflict herewith; and making an appropriation.

#### Motion to Amend Assembly Bill No. 20,

Mr. O'Donnell moved to amend Assembly Bill No. 20 as follows:

#### Amendment No. 1.

On page 12, between lines 19 and 20, of the printed bill, as amended, insert the following:

"In the event that all or any portion of those certain tide and submerged lands in the Huntington Beach area particularly described in Chapter 304 of the Statutes of 1937 are offered for lease under the provisions of this article, no bid therefor shall be accepted and no lease of all or any portion thereof shall be made unless the same provides for payment to the State of more than thirty per cent of the amount or value of the production of oil and gas from any wells drilled thereunder."

Amendment refused adoption by the following vote:

**AYES**—Baynham, Breed, Burns, Michael J., Clark, Dannenbrink, Desmond, Donnelly, Gannon, Garland, Gilbert, Hawkins, Heisinger, Johnson, King, Laughlin, Lore, Miller, George P., Morgan, O'Donnell, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Tenney, Thorp, Turner, Voigt, Watson, and Yorty—31.

**NOES**—Andreas, Boyle, Call, Cassidy, Corwin, Cottrell, Crowley, Daley, Dawson, Dilworth, Donihue, Glick, Hornblower, Hunt, Kepple, Kuchel, Latham, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor, Millington, Muldoon, Peyser, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Stream, Walker, Weber, Welsh, Williamson, and Mr. Speaker—39.

Assembly Bill No. 20 read third time, and passed by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Corwin, Cottrell, Crowley, Daley, Dawson, Desmond, Dilworth, Donihue, Fulcher, Garibaldi, Garland, Glick, Hornblower, Hunt, Kepple, Kuchel, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor, Millington, Muldoon, Peyser, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Stream, Thorp, Walker, Watson, Weber, Welsh, Williamson, and Mr. Speaker—50.

**NOES**—Clark, Dannenbrink, Donnelly, Gannon, Gilbert, Hawkins, Heisinger, Johnson, King, Lore, Miller, George P., Morgan, O'Donnell, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Tenney, Turner, Voigt, and Yorty—23.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Bill No. 32**—An act relating to tide and submerged lands granted by the State to cities, counties, cities and counties and to other political subdivisions; consenting to suits against the State in connection therewith; providing for the extraction and removal of oil and gas therefrom; and repealing acts or parts of acts in conflict therewith.

Bill read third time, and passed by the following vote:

**AYES**—Baynham, Beene, Boyle, Breed, Burns, Michael J., Cassidy, Clark, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Laughlin, Leonard, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor, Miller, George P., Millington, Morgan, O'Donnell, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Sawallisch, Scudder, Tenney, Turner, Voigt, Watson, Weber, Yorty, and Mr. Speaker—51.

**NOES**—Andreas, Call, Corwin, Cottrell, Glick, Latham, Levey, Lyon, Muldoon, Peyser, Redwine, Robertson, Sheehan, Stream, Thorp, Walker, Welsh, and Williamson—18.

Title read and approved. Bill ordered transmitted to the Senate.

**Further Proceedings Under Call of the Assembly Dispensed With.**

At eleven o'clock and thirty-five minutes a.m., further proceedings under the call of the Assembly on Assembly Constitutional Amendment No. 2 were dispensed with, on motion of Mr. Desmond.

The roll of absentees was called, and Assembly Constitutional Amendment No. 2 refused adoption by the following vote:

**AYES**—Andreas, Baynham, Beene, Breed, Burns, Michael J., Call, Corwin, Cottrell, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Flint, Gannon, Garibaldi, Glick, Johnson, Kepple, Kuchel, Latham, Laughlin, Levey, Lore, Lyon, Miller, Eleanor; Morgan, Muldoon, O'Donnell, Peyser, Redwine, Robertson, Scudder, Stream, Thorp, Walker, Watson, Weber, Welsh, and Williamson—40.

**NOES**—Boyle, Cassidy, Clark, Donihue, Donnelly, Fulcher, Gilbert, Hawkins, Heisinger, Hornblower, Hunt, Maloney, Mayo, McMurray, Meehan, Miller, George P., Millington, Patterson, Peck, Pelletier, Reaves, Richie, Rosenthal, Sawallisch, Sheehan, Tenney, Turner, Voigt, Yorty, and Mr. Speaker—30.

**Consideration of Senate Constitutional Amendment No. 2.**

**Senate Constitutional Amendment No. 2**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding a new section numbered 11 to Article XVI thereof, relating to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare.

**Motion to Amend Senate Constitutional Amendment No. 2.**

Mr. Hornblower moved to amend Senate Constitutional Amendment No. 2 as follows:

**Amendment No. 1.**

On page 2 of the printed measure, strike out lines 29 to 31, inclusive, and insert in lieu thereof the following: "officers and employees and which positions are hereby included in the State civil service. The officers and employees transferred".

**Amendment No. 2.**

On page 2 of the printed measure, strike out lines 33 to 52, inclusive, and on page 3, strike out lines 1 to 11, inclusive, and insert in lieu thereof the following: "same, save that the State Personnel Board in adopting rules relative to classes and grades of the positions held by such officers or employees shall give each such officer or employee such class or grade as it may deem just and such probationary terms to commence on November 8, 1938, of not less than two months nor more than eight months in the class or grade assigned as it may fix. Any person".

**Amendment No. 3.**

On page 3 of the printed measure, strike out lines 18 to 21, inclusive.

Amendments refused adoption by the following vote:

**AYES**—Burns, Michael J., Call, Daley, Dawson, Desmond, Donnelly, Fulcher, Garland, Hornblower, Leonard, Levey, Maloney, Mayo, Peyser, Scudder, Sheehan, Weber, and Williamson—18.

**NOES**—Andreas, Boyle, Breed, Cassidy, Clark, Corwin, Cottrell, Dannenbrink, Dilworth, Donihue, Gannon, Gilbert, Glick, Hawkins, Heisinger, Johnson, King, Laughlin, Lore, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Peck, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Yorty, and Mr. Speaker—43.

**Motion to Amend Senate Constitutional Amendment No. 2.**

Messrs. Clark and Yorty moved to amend Senate Constitutional Amendment No. 2 as follows:

**Amendment No. 1.**

On page 1, line 6 of the title of the printed measure, strike the comma, and strike the whole of line 7 of the title, and insert in lieu thereof a period.

**Amendment No. 2.**

On page 1 of the printed measure, strike out lines 10 to 25 inclusive, strike out all of pages 2, 3, and 4, inclusive, and insert in lieu thereof the following:

"Sec. 11. Notwithstanding any provision of section 10 of this Article of the Constitution to the contrary, the Legislature has plenary power to provide for the administration of any constitutional provisions or laws heretofore or hereafter enacted concerning the administration of relief, and to that end may modify, transfer, or enlarge the powers vested in the Relief Administrator, the Relief Commission or any other State agency or officer concerned with the administration of relief or laws appertaining thereto. The Legislature, or the people by initiative,

shall have power to amend, alter, or repeal any law relating to the relief of hardship and destitution, whether such hardship and destitution results from unemployment or from other causes, or to provide for the administration of the relief of hardship and destitution, whether resulting from unemployment or from other causes, either directly by the State or through the counties of the State, and to grant such aid to the counties therefor, or make such provision for reimbursement of the counties by the State, as the Legislature deems proper."

Amendments adopted by the following vote:

**AYES**—Andreas, Baynham, Boyle, Cassidy, Clark, Corwin, Cottrell, Daley, Desmond, Dilworth, Donihue, Donnelly, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Kepple, King, Kuchel, Laughlin, Lore, McMurray, Meehan, Miller, Eleanor; Miller, George P., Morgan, O'Donnell, Patterson, Peck, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Tenney, Thorp, Turner, Voigt, Walker, Watson, Yorty, and Mr. Speaker—45.

**NOES**—Breed, Burns, Michael J., Call, Crowley, Dannenbrink, Dawson, Fulcher, Hornblower, Johnson, Leonard, Levey, Maloney, Mayo, Millington, Muldoon, Peyser, Redwine, Scudder, Sheehan, Stream, Weber, and Williamson—22.

#### Request for Unanimous Consent.

Mr. Desmond asked for unanimous consent to take up Senate Constitutional Amendment No. 2, as amended, at this time, without reference to reprint or calendar.

Mr. Yorty withheld his consent.

Senate Constitutional Amendment No. 2 ordered to reprint.

#### Recess.

At eleven o'clock and thirty-eight minutes a.m., on motion of Mr. King, the Assembly was declared at recess until eleven o'clock and forty minutes a.m.

#### Reassembled.

At eleven o'clock and forty minutes a.m., the Assembly reconvened. Speaker Jones in the chair.

#### Senate Messages.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Bill No. 4.

Assembly Bill No. 11.

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

#### Consideration of Senate Amendments to Assembly Bills.

**Assembly Bill No. 4**—An act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such housing authorities in cities, cities and counties, and in counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide for a certification of the bonds by the Attorney General; to confer remedies on obligees of housing authorities; and to declare an emergency.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 4?

#### Amendment No. 1.

On page 3, line 10, of the printed bill, as amended, after "business", insert the following: "but no housing authority of a county shall operate in any city located in said county for which an authority has not been authorized to transact business unless consent of the governing body of such city shall have been obtained".

#### Amendment No. 2.

On page 3, line 27, of the printed bill, as amended, after "ing", insert the following: "to be financed in whole or in part by the Federal Government."



**Amendment No. 3.**

On page 4, line 25, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

**Amendment No. 4.**

On page 4, line 30, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

**Amendment No. 5.**

On page 10, line 45, of the printed bill, as amended, strike out "six per centum (6%)", and insert in lieu thereof the following: "four and one-half per cent (4½%)".

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 4 by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Flint, Fulcher, Garibaldi, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, Kuchel, Latham, Leonard, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Muldoon, O'Donnell, Patterson, Peck, Pelletier, Peyser, Reaves, Richie, Robertson, Rosenthal, Sawalliseh, Stream, Tenney, Turner, Voigt, Walker, Watson, Welsh, Williamson, Yorty, and Mr. Speaker—60.

**NOES**—None.

Assembly Bill No. 4 ordered to enrollment.

**Assembly Bill No. 11**—An act to amend section 18 of an act entitled "An act imposing an excise tax on the use in this State of fuel as defined herein providing for the issuance of permits to the users of such fuel, and for the levy, assessment and collection of such tax, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately," approved May 24, 1937, being Chapter 352 of the Statutes of 1937, to appropriate the moneys received in pursuance of said act.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 11?

**Amendment No. 1.**

On page 1 of the printed bill, strike out all of lines 6 to 11, inclusive, and insert in lieu thereof the following: "the motor vehicle fuel fund. Copies".

**Amendment No. 2.**

On page 1 of the printed bill, strike out lines 14 to 17, inclusive, and insert in lieu thereof the following: "All moneys so deposited in said fund under the provisions of this act are hereby appropriated as follows:".

**Amendment No. 3.**

On page 1 of the printed bill, strike out all of lines 19 to 22, inclusive.

**Amendment No. 4.**

On page 1, line 23, of the printed bill, strike out the letter "(d)", and insert in lieu thereof the following: "(b)".

**Amendment No. 5.**

On page 2 of the printed bill, strike out all of lines 1 and 2, and in line 3, strike out "section", and insert in lieu thereof the following: "The balance of all moneys deposited in said fund hereunder, after the payment of refunds".

**Amendment No. 6.**

On page 2, line 11, of the printed bill, strike out the words "transferred to the use fuel tax", and insert in lieu thereof the following: "deposited in the motor vehicle fuel".

**Amendment No. 7.**

On page 2, line 14, of the printed bill, strike out the comma and the words "and thereafter", and insert in lieu thereof a period and the following: "Thereafter".

**Amendment No. 8.**

On page 2, line 15, of the printed bill, strike out the words "transfer hereunder to the State", and strike out lines 16 to 18, inclusive, and insert in lieu thereof the following: "make the transfers provided for hereunder at the same time as the transfers to the State highway fund of moneys received under the Motor Vehicle Fuel Tax Act are made."

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 11 by the following vote:

**AYES**—Andreas, Baynham, Beene, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Dilworth,

Donihue, Donnelly, Flint, Fulcher, Garibaldi, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, Kuebel, Latham, Leonard, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peck, Pelletier, Peyser, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—62.

NOES—None.

Assembly Bill No. 11 ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to return to your honorable body the following:  
**Assembly Concurrent Resolution No. 12.**

For the reason that said resolution was laid upon the table.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

**Assembly Joint Resolution No. 12.**

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

**Senate Concurrent Resolution No. 8**—Requesting the Department of Public Works and the Department of Finance to report to the fifty-third session of the Legislature regarding the amount of property damaged or destroyed during recent storms and floods and the causes thereof.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

**Request for Unanimous Consent.**

Mr. Latham asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 8, at this time, without reference to calendar.

**Consideration of Senate Concurrent Resolution No. 8.**

**Senate Concurrent Resolution No. 8**—Requesting the Department of Public Works and the Department of Finance to report to the fifty-third session of the Legislature regarding the amount of property damaged or destroyed during recent storms and floods and the causes thereof.

Senate Concurrent Resolution No. 8 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Fulcher, Garland, Gilbert, Glick, Hornblower, Hunt, Johnson, Kepple, Kuebel, Latham, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Pelletier, Peyser, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Stream, Tenney, Turner, Voigt, Walker, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—59.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

### **Introduction and Reference of Bills.**

The following bills were introduced:

**Assembly Concurrent Resolution No. 17:** By Mr. Lyon—Relative to unexpended balances in certain appropriations hitherto made from the contingent funds of the Senate and Assembly.

**Request for Unanimous Consent.**

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 17, at this time, without reference to print or calendar, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 17.**

**Assembly Concurrent Resolution No. 17**—Relative to unexpended balances in certain appropriations hitherto made from the contingent funds of the Senate and Assembly.

Assembly Concurrent Resolution No. 17 read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burus, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Fulcher, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, Kuchel, Latham, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Pelletier, Peyser, Reaves, Richie, Robertson, Sawallisch, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—60.

**NOES**—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

**Assembly Concurrent Resolution No. 18:** By Mr. Lyon—Relative to the validation and affirmation of the powers of interim committees heretofore and hereafter established by the fifty-second Legislature.

**Request for Unanimous Consent.**

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 18, at this time, without reference to print or calendar, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 18.**

**Assembly Concurrent Resolution No. 18**—Relative to the validation and affirmation of the powers of interim committees heretofore and hereafter established by the fifty-second Legislature.

Assembly Concurrent Resolution No. 18 read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Donihue, Donnelly, Fulcher, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, Kuchel, Latham, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Pelletier, Peyser, Reaves, Richie, Rosenthal, Sawallisch, Stream, Tenney, Turner, Voigt, Walker, Watson, Welsh, Williamson, Yorty, and Mr. Speaker—58.

**NOES**—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

**Resolution.**

The following resolution was offered:

By Mr. Patterson:

**House Resolution No. 54.**

Relating to the California Youth Model Legislature.

**WHEREAS,** The young people of today, like the rest of our population, are faced with serious and perplexing problems; and

**WHEREAS,** In keeping with the traditions of our country and as evidence of the vitality of our democracy, the young people themselves are coming together to seek, through cooperative endeavor, a solution to these problems and a clarification of these perplexities; and

**WHEREAS,** The future of our democracy rests in the hands of a generation which is alive to the responsibilities which democratic government involves and well versed in its mechanics; and

**WHEREAS,** The California Youth Model Legislature is an organization for bringing together all sections of our youth for the purpose of interchanging ideas; for sharing problems and discussions of problems; for examining the workings of our legislative system; for providing practical experience and participation in the forms of government by which youth's problems must ultimately be solved; and for placing before the Legislature those bills which are considered of vital importance; and

**WHEREAS,** This organization has been endorsed by representative community groups in all parts of the State; now, therefore, be it

*Resolved, By the Assembly of the State of California.* That the spirit and purpose of the California Youth Model Legislature is hereby heartily approved and commended; and be it further

*Resolved*, That the Speaker is hereby requested to appoint an Assembly interim committee of five members, to be known as the Assembly California Youth Model Legislature Interim Committee, to counsel, advise and cooperate with the California Youth Model Legislature in legislative problems and practice; and be it further

*Resolved*, That this body permit the young men and women elected as delegates the use of this Assembly Chamber once a year for a meeting place as done in the State of New York.

House Resolution No. 54 read, and adopted by the following vote:

AYES—Andreas, Boyle, Burns, Hugh M., Burns, Michael J., Clark, Crowley, Dawson, Donihue, Donnelly, Garibaldi, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, George P., Morgan, O'Donnell, Patterson, Pelletier, Reaves, Robertson, Rosenthal, Sheehan, Tenney, Turner, Voigt, Weber, Welsh, Yorty, and Mr. Speaker—40.

NOES—Baynham, Beene, Breed, Cassidy, Cottrell, Daley, Desmond, Dilworth, Fulcher, Gannon, Kepple, Kuchel, Leonard, Miller, Eleanor, Millington, Muldoon, and Williamson—16.

### Consideration of Assembly Bill No. 34.

#### Case of Urgency.

The following resolution was offered:

By Mr. Desmond:

*Resolved*, That Assembly Bill No. 34 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Flint, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, Kuebel, Latham, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor, Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Pelletier, Peyser, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—64.

NOES—None.

Whereupon the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Assembly Bill No. 34, at this time.

#### Second Reading of Assembly Bill No. 34.

**Assembly Bill No. 34**—An act to add a new section numbered 11½ to an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products and the use of brands and trade-marks in connection therewith; providing for the licensing of persons, firms, associations or corporations, installing and using motor vehicle fuel pumps; regulating signs, placards, posters, streamers, cards and other advertising media advertising gasoline or other motor vehicle fuel or the price thereof; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent therewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil.

#### Motion to Amend Assembly Bill No. 34.

Mr. Clark moved to amend Assembly Bill No. 34 as follows:

##### Amendment No. 1.

On page 1 of the printed bill, after line 13, add the following:

"The provisions of this section shall not apply to or prohibit rebates or dividends paid to all the stockholders or members of a corporation or cooperative association which sells or causes to be sold gasoline or other motor vehicle fuel, if the articles of incorporation or association provide for the payment of such rebates or dividends to all the stockholders or members thereof."

Amendment adopted. Bill read second time.

#### Request for Unanimous Consent.

Mr. Desmond asked for, and was granted, unanimous consent to take up Assembly Bill No. 34, as amended, at this time, without reference to reprint or calendar, and that the same be considered engrossed.



## Consideration of Assembly Bill No. 34 as Amended.

**Assembly Bill No. 34**—An act to add a new section numbered 11½ to an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products and the use of brands and trade-marks in connection therewith; providing for the licensing of persons, firms, associations or corporations, installing and using motor vehicle fuel pumps; regulating signs, placards, posters, streamers, cards and other advertising media advertising gasoline or other motor vehicle fuel or the price thereof; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent therewith," approved June 5, 1931, relating to the distribution and sale of motor fuels and oil.

Assembly Bill No. 34, as amended, read third time, and passed by the following vote:

**AYES**—Andreas, Beene, Boyle, Burns, Michael J., Call, Cassidy, Cottrell, Daley, Dannenbrink, Dawson, Desmond, Donnelly, Fulcher, Gannon, Glick, Hornblower, Johnson, Kepple, Kuchel, Latham, Levey, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, O'Donnell, Robertson, Sawallisch, Scudder, Stream, Turner, Voigt, Walker, Weber, Welsh, Williamson, and Mr. Speaker.—42.

**NOES**—Burns, Hugh M., Clark, Crowley, Dilworth, Donihue, Garland, Gilbert, Heisinger, Hunt, Leonard, Lore, Patterson, Peek, Reaves, Richie, Rosenthal, Sheehan, Tenney, Watson, and Yorty.—20.

Title read and approved. Bill ordered to reprint, and transmitted to the Senate.

## Third Reading of Assembly Bills—(Resumed).

**Assembly Bill No. 31**—An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers; and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations.

Bill read third time, and passed by the following vote:

**AYES**—Andreas, Baynham, Beene, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, Kuchel, Latham, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Pelletier, Peyser, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker.—63.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Bill No. 21**—An act to amend the Welfare and Institutions Code by adding section 103.5 thereto, relating to the establishment of personnel standards in the administration of aid to the needy aged, the needy blind and needy children, providing for the enforcement thereof, declaring the urgency thereof, and providing that this act shall take effect immediately.

## Motion to Amend Assembly Bill No. 21.

Mr. Hornblower moved to amend Assembly Bill No. 21 as follows:

## Amendment No. 1.

On page 2 of the printed bill, as amended, between lines 2 and 3, insert the following:

"This section shall not apply to any county or city and county having a freeholders' charter."

Amendment refused adoption by the following vote:

**AYES**—Baynham, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Cassidy, Crowley, Dawson, Desmond, Dilworth, Donihue, Donnelly, Garland, Heisinger, Horn-

blower, Leonard, Levey, Lyon, Maloney, McMurray, Meehan, Miller, George P., Peyser, Sawallisch, Scudder, Sheehan, Turner, Weber, and Williamson—29.

**NOES**—Andreas, Clark, Cottrell, Daley, Dannenbrink, Fulcher, Gannon, Gilbert, Glick, Hawkins, Hunt, Johnson, Kepple, Latham, Lore, Miller, Eleanor; Millington, Morgan, Muldoon, O'Donnell, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Stream, Tenney, Walker, Welsh, Yorty, and Mr. Speaker—33.

#### Motion to Amend Assembly Bill No. 21.

Mr. Desmond moved to amend Assembly Bill No. 21 as follows:

#### Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 20 to 22, inclusive, and insert in lieu thereof the following: "ing in said employees present condition. These rules and regulations".

#### Point of Order.

Mr. Rosenthal arose to the following point of order: That the amendments were the same as the amendments previously submitted.

#### Ruling on Point of Order.

The Speaker ruled the point of order well taken.

#### Motion to Amend Assembly Bill No. 21.

Mr. Robertson moved to amend Assembly Bill No. 21 as follows:

#### Amendment No. 1.

On page 1 of the title of the printed bill, as amended, strike out lines 5 and 6, and insert in lieu thereof the following: "for the enforcement thereof."

#### Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 3 to 22, inclusive.

Amendments adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Cassidy, Clark, Cottrell, Daley, Dannenbrink, Dilworth, Donihue, Donnelly, Gannon, Gilbert, Glick, Hawkins, Hunt, Johnson, Kepple, Kuchel, Latham, Lore, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Robertson, Rosenthal, Stream, Turner, Voigt, Walker, Welsh, Yorty, and Mr. Speaker—41.

**NOES**—Breed, Burns, Hugh M., Call, Crowley, Dawson, Desmond, Fulcher, Garland, Heisinger, Hornblower, Leonard, Levey, Lyon, Maloney, Mayo, O'Donnell, Peyser, Richie, Sawallisch, Scudder, Sheehan, Tenney, Thorp, Weber, and Williamson—25.

#### Request for Unanimous Consent.

Mr. Lore asked for unanimous consent to take up Assembly Bill No. 21, as amended, at this time, without reference to reprint or calendar, and that the same be considered re-engrossed.

Mr. Dawson withheld his consent.

Assembly Bill No. 21 ordered to reprint and considered re-engrossed.

### Consideration of Senate Bill No. 3.

#### Case of Urgency.

The following resolution was offered:

By Mr. Dannenbrink:

*Resolved*, That Senate Bill No. 3 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Fulcher, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, Latham, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—61.

**NOES**—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Senate Bill No. 3, at this time.

#### Second Reading of Senate Bill No. 3.

**Senate Bill No. 3**—An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78, 83, 85a and 86 of, and to add sections 3a, 75a and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for

employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System and to retirement of employees of the University of California.

Bill read second time.

**Third Reading of Senate Bill No. 3.**

**Senate Bill No. 3**—An act to amend sections 8, 9, 10, 12, 33, 38a, 39, 42, 49, 78, 83, 85a and 86 of, and to add sections 3a, 75a and 83b to, an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System and to retirement of employees of the University of California.

Bill read third time, and passed by the following vote:

**AYES**—Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, Latham, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—65.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Senate Messages.**

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

**MR. SPEAKER:** I am directed to inform your honorable body that the Senate on this day passed the following:

**Senate Bill No. 8**—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

Senate Bill No. 8 read first time.

**Request for Unanimous Consent.**

Mr. Latham asked for, and was granted, unanimous consent to take up Senate Bill No. 8, at this time, without reference to calendar.

**Consideration of Senate Bill No. 3.**

**Case of Urgency.**

The following resolution was offered: .

By Mr. Latham:

*Resolved*, That Senate Bill No. 8 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Hawkins, Heisinger, Hornblower, Johnson, Kepple, Kuehl, Latham, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—64.

**NOES**—None.

Whereupon, the Speaker declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering Senate Bill No. 8, at this time.

## Second Reading of Senate Bill No. 8.

**Senate Bill No. 8**—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties. Bill read second time.

## Third Reading of Senate Bill No. 8.

**Senate Bill No. 8**—An act appropriating to the counties of the State aid in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and providing for the payment thereof to the counties.

Bill read third time, and passed by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J. Call, Cassidy, Clark, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, O'Donnell, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—67.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

**MR. SPEAKER:** I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

**Assembly Bill No. 33.**

**Assembly Bill No. 7.**

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

## Consideration of Senate Amendments to Assembly Bills.

**Assembly Bill No. 33**—An act making an appropriation for the expenses of the Assembly for the extra session of the fifty-second Legislature, to take effect immediately.

The question being put: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 33?

## Amendment No. 1.

On page 1, line 1, of the printed bill, strike out "10,000", and insert in lieu thereof "\$2,000".

The roll was called, and the Assembly concurred in the Senate amendment to Assembly Bill No. 33 by the following vote:

**AYES**—Andreas, Baynham, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Crowley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Hornblower, Johnson, Kepple, King, Kuchel, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Williamson, Yorty, and Mr. Speaker—64.

**NOES**—None.

Assembly Bill No. 33 ordered to enrollment.

**Assembly Bill No. 7**—An act to amend sections 86, 87 and 89 of, and to add sections 88.5 and 94.5 to, the Agricultural Code, relating to agricultural districts, fairs, and including provision for leasing, letting and granting licenses for the use of property of such districts, providing that the Director of Finance may make available certain State property for the use of such districts, declaring the urgency of this act, and providing that it shall take effect immediately.



The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 7?

**Amendment No. 1.**

On page 1, line 2 of the title of the printed bill, as amended, strike out "section 88.5", and insert in lieu thereof the following: "sections 88.5 and 94.5".

**Amendment No. 2.**

On page 1, line 3 of the title of the printed bill, as amended, after "districts", insert a comma and the following: "fairs,".

**Amendment No. 3.**

On page 2 of the printed bill, as amended, between lines 39 and 40, insert the following:

"SEC. 5. Section 94.5 is hereby added to the Agricultural Code, to read as follows:

94.5. Associations mentioned in section 94 of this code shall be deemed instrumentalities of the State for the purposes therein mentioned and upon dissolution of any such association all property thereof, after payment of outstanding debts, shall escheat to the State."

**Amendment No. 4.**

On page 2, line 40, of the printed bill, as amended, strike out "4", and insert in lieu thereof the following: "6".

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 7 by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Sawallisch, Seudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Williamson, Yorty, and Mr. Speaker—64.

NOES—None.

Assembly Bill No. 7 ordered to enrollment.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Joint Resolution No. 11**—Relative to memorializing the President and the Congress to enact the bill now pending before the Congress relating to the control of venereal diseases.

Assembly Joint Resolution No. 11 read, and adopted by the following vote:

AYES—Andreas, Baynham, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, Patterson, Peck, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Seudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Williamson, Yorty, and Mr. Speaker—66.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Joint Resolution No. 13**—Relating to memorializing the President and Congress of the United States to make available Federal funds for the reconstruction, repair and replacement of roads and highways damaged and destroyed by floods.

Assembly Joint Resolution No. 13 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Patterson, Peck, Pelletier, Peyser, Reaves, Richie, Rosenthal, Sawallisch, Seudder, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—64.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Joint Resolution No. 14**—Relative to requesting the State of Utah to cooperate in preventing the marriage of white women and Filipinos.

Assembly Joint Resolution No. 14 read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Cottrell, Daley, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Glick, Heisinger, Hornblower, Johnson, Latham, Laughlin, Leonard, Levey, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Pelletier, Redwine, Robertson, Sawalliseb, Seudder, Sheehan, Stream, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—51.

**NOES**—Gilbert, Patterson, Reaves, and Richie—4.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Joint Resolution No. 15**—Relative to aliens in America.

Assembly Joint Resolution No. 15 read, and adopted by the following vote:

**AYES**—Baynham, Breed, Burns, Hugh M., Call, Cottrell, Crowley, Daley, Dawson, Desmond, Dilworth, Fulcher, Gannon, Garland, Glick, Heisinger, Hornblower, Hunt, Johnson, Kepple, Kuehel, Latham, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Peyser, Sheehan, Stream, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, and Williamson—43.

**NOES**—Andreas, Gilbert, King, Lore, Patterson, Pelletier, Reaves, Rosenthal, Tenney, Yorty, and Mr. Speaker—11.

Title read and approved. Bill ordered transmitted to the Senate.

### Resolutions.

The following resolutions were offered:

By Messrs. Welsh, Hunt, Gilbert, Stream, Corwin, Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Cronin, Crowley, Cunningham, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Field, Flint, Fulcher, Gannon, Garibaldi, Garland, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuehel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Millington, Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawallisch, Seudder, Sheehan, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Williamson and Yorty, Mrs. Daley and Miss Miller:

#### Assembly Resolution No. 55.

**WHEREAS**, On the eighth day of June, 1935, this Assembly at its fifty-first session assembled, congratulated William Moseley Jones and Frances D. Jones upon their sixth wedding anniversary; and

**WHEREAS**, It was stated in the resolution expressing said congratulations "that it is only the wish of the members of this Assembly that their troubles be little ones and further wish them all the luck and success and happiness in the years to follow"; and

**WHEREAS**, On this twelfth day of March, 1938, their troubles have increased by a 10-pound baby boy yept William Moseley Jones III; and

**WHEREAS**, It is the desire of this Assembly to join in this happy occasion; now, therefore, be it

**Resolved**, That the Assembly of the State of California do this day express to William Moseley Jones and his loving wife, Frances D. Jones, its heartfelt congratulations and sincere felicitations on this most happy occasion, the birth of William Moseley Jones III; and be it further

**Resolved**, That this Assembly again express "that it is only the wish of the members of this Assembly that their troubles be little ones and further wish them all the luck and success and happiness in the years to follow"; and be it further

**Resolved**, That a suitable copy of this resolution properly engrossed be presented to the Honorable William Moseley Jones, his charming wife, Frances D. Jones, his daughter Shelley Jones and William Moseley Jones III.

House Resolution No. 55 read, and unanimously adopted.

## By the Committee on Attaches:

## House Resolution No. 56.

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant upon the fund for payment of officers and employees of the Assembly in favor of the following named persons for the sums set opposite their respective names, and the Treasurer is directed to pay the same. Said amounts being in payment for services performed prior and incident to the convening of the present extraordinary session of the Assembly.

Jack Carl Greenburg, Assistant Chief Clerk, 3 days-----	\$27 00
Juanita Dependener, Chief Stenographer, 1 day-----	6 00
Cristel Hastings, Secretary to Chief Clerk, 1 day-----	5 00

House Resolution No. 56 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Breed, Burns, Michael J., Call, Cassidy, Clark, Cottrell, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Fulcher, Gannon, Garland, Gilbert, Glick, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Robertson, Sheehan, Stream, Tenney, Thorp, Voigt, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—59.

NOES—None.

## By the Committee on Attaches:

## House Resolution No. 57.

*Resolved*, That the following named persons be stricken from the list of Assembly attaches and their names be stricken from the pay roll of the Assembly, to take effect on completion of work March 12, 1938:

Jack Carl Greenburg	Harold Mackenzie
David Oliver	Wm. Murphy
Delwin W. Smith	Jacqueline Morgan
E. A. Took Berry	Joe Moloney
C. W. Booth	Wm. Gavin
Wm. Ehmann	Ernest Debs
Juanita Dependener	Bert Roseberry
Cristel Hastings	Hallie Young
Sam McCance	Bear Rae

Resolution No. 57 read and adopted.

## By Mr. Voigt:

## House Resolution No. 58.

*Resolved*, That the Controller be and is hereby authorized and directed to draw his warrants on the contingent expense fund of the Assembly in favor of

The C. C. Langevin Co. (sound equipment)-----	\$100 00
Harts Lunch-----	31 50
Harold Shay, Florist, (floral pieces, Messrs. Martin and Waters)-----	7 21
American Signal Corporation-----	150 00

\$288 71

House Resolution No. 58 read, and adopted by the following vote:

AYES—Andreas, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Cottrell, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Robertson, Sheehan, Stream, Tenney, Thorp, Voigt, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—60.

NOES—None.

## By Mr. Voigt:

## House Resolution No. 59.

*Resolved*, That the Controller be and he is hereby ordered and directed to draw his warrant upon the contingent fund of the Assembly, in favor of James G. Smyth, Chief Clerk of the Assembly, in the sum of five hundred dollars (\$500), for the payment of postage, supplies, salaries, supplies and incidental expenses connected with this extraordinary session, and completion of necessary post-session work, and the State Treasurer is hereby directed and ordered to pay the same.

House Resolution No. 59 read, and adopted by the following vote:

AYES—Andreas, Beene, Boyle, Breed, Call, Cassidy, Clark, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, O'Don-

nell, Patterson, Peek, Peyser, Redwine, Robertson, Sheehan, Stream, Tenney, Voigt, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—58.

NOES—Reaves—1.

By Mr. Robertson:

#### House Resolution No. 60.

WHEREAS, The members of the Assembly will desire to have shipped to their various places of residence their bill files, stationery and other printed matter at the end of this extraordinary session; therefore, be it

*Resolved*, That the Sergeant-at-Arms, Delwin W. Smith, be authorized to procure such boxes, packing and other materials as are necessary for the purpose of shipping same, properly packed, to said members, and the State Controller is hereby authorized to draw his warrant on the contingent expense fund of the Assembly in favor of said Delwin W. Smith, in the sum not to exceed two hundred fifty dollars (\$250), and the State Treasurer is hereby directed to pay the same; and it is further directed that Delwin W. Smith furnish to the Controller vouchers and receipts for all expenditures made by him.

House Resolution No. 60 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Call, Cassidy, Clark, Cottrell, Crowley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Robertson, Sheehan, Stream, Tenney, Voigt, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—61.

NOES—None.

By the Committee on Attaches:

#### House Resolution No. 61.

*Resolved*, That the following named person be, and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, and the Controller is hereby directed to draw his warrants in favor of the said person for the said amount, and the Treasurer is hereby directed to pay the same:

*Commencing March 8, 1938, to and including March 12, 1938—*

Michael Connolly, Assistant Sergeant-at-Arms-----	Per day \$5 00
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House Resolution No. 61 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Breed, Burns, Hugh M., Call, Cassidy, Cottrell, Crowley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Gannon, Gilbert, Glick, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Patterson, Peek, Reaves, Redwine, Sheehan, Stream, Tenney, Thorp, Turner, Walker, Watson, Welsh, Williamson, Yorty, and Mr. Speaker—53.

NOES—None.

By Mr. Peyser:

#### House Resolution No. 62.

*Resolved*, That the members of this Assembly be furnished with a complete set or file of all bills, binders and daily Journals of Senate and Assembly, and that the Legislative Bill Room be and it is hereby instructed to have such sets of bills and Journals shipped to the members of this Assembly immediately after adjournment of this extraordinary session, and as soon as said printed matter is available.

House Resolution No. 62 read and adopted.

By Messrs. Watson and Johnson:

#### House Resolution No. 63.

Assembly Resolution, relative to an Assembly Interim Secretary.

WHEREAS, There is no permanent employee or attache of the Assembly on duty at the Capitol during the period when the Legislature is not in session; and

WHEREAS, It is necessary, in order to take care of the needs of the members of the Assembly in relation to their duties as such, that a central agency located at Sacramento be provided, in order that correspondence and other legislative matters may be expedited; and

WHEREAS, During the interim between sessions of the Legislature, interim committees of the Assembly frequently meet at Sacramento, and the creation of a permanent Interim Assembly Secretary would expedite the work of such committees, including the arrangements for facilities and the providing of stenographic service; and



WHEREAS, Cristel Hastings has been employed by the Assembly for some years and is familiar with the work which would devolve upon an Assembly Interim Secretary; now, therefore, be it

*Resolved by the Assembly of the State of California*, That the Speaker of the Assembly is hereby authorized to appoint an Assembly Interim Secretary to serve at such times as he deems desirable during the period or periods in which the Legislature is not in session, and be it further

*Resolved*, That the sum of \$1,350 is hereby appropriated from the contingent fund of the Assembly for the purpose of paying the salary of such secretary, which salary shall be paid at the rate of \$150 per month, and for the necessary supplies and other expenses of such secretary; and the State Controller is hereby authorized and directed to draw his warrants in favor of the Speaker of the Assembly for such expenditures as may be certified to said Controller by said Speaker from time to time, and the State Treasurer is hereby authorized and directed to pay such warrants; and be it further

*Resolved*, That inasmuch as Cristel Hastings is fully qualified and competent to perform the duties of such secretary, she be appointed to serve as such secretary during such times as the Speaker may designate prior to the next ensuing regular, or other, session of the Legislature.

House Resolution No. 63 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Fulcher, Gannon, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, O'Donnell, Patterson, Peek, Pelletier, Peyser, Reaves, Redwine, Richie, Robertson, Rosenthal, Sawalisch, Sheehan, Stream, Tenney, Thorp, Turner, Walker, Watson, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—64.

NOES—None.

By Mr. Patterson:

#### House Resolution No. 64.

Relating to the purchase of the automobile ferries or franchises on San Francisco Bay.

WHEREAS, It has been reported to this Assembly that the California Toll Bridge Authority has prepared to consummate an agreement looking to the abandonment of the present automobile ferry services either by purchase of the existing franchises for automobile ferries now operating on San Francisco Bay, or by payment for abandonment thereof; and

WHEREAS, It is the belief of the members of this Assembly that such purchase at the price which seems to have been tentatively agreed upon, which is far in excess of the value of such franchises, amounts to a gift to the Southern Pacific Golden Gate Ferries Company, Ltd.; now, therefore, be it

*Resolved by the Assembly of the State of California*, That the Governor of this State and the California Toll Bridge Authority are strongly urged not to consummate any agreement calling for any payment for the acquisition of the existing automobile ferries on San Francisco Bay or for the abandonment of their franchises.

#### Request for Unanimous Consent.

Mr. Patterson asked for unanimous consent to take up House Resolution No. 64 at this time, without reference to calendar.

Mr. Dawson stated he would withhold his consent until such time as the resolution had been printed.

House Resolution No. 64 ordered to print.

#### Consideration of House Resolution No. 8.

House Resolution No. 8—Requesting investigation of petition against Revenue Bond Act.

#### Motion for Committee of the Whole.

Mr. Yorty moved that the Assembly resolve itself into a Committee of the Whole.

#### Substitute Motion.

Mr. Cottrell moved, as a substitute motion, that the Assembly resolve itself into a Committee of the Whole for the purpose of permitting Mr. Yorty to prove his charges that the votes of the Assembly are under control.

**Motion to Table Substitute Motion.**

Mr. Hunt moved that the substitute motion be tabled.

Motion to table lost by the following vote:

AYES—Andreas, Baynham, Boyle, Daley, Donihue, Garland, Heisinger, Hunt, Johnson, Kepple, Latham, Laughlin, Lore, Lyon, Miller, Eleauor; Reaves, Redwine, Robertson, Watson, and Welsh.—20.

NOES—Beene, Breed, Burns, Hugh M., Call, Cassidy, Clark, Cottrell, Dannenbrink, Dawson, Desmond, Dilworth, Donnelly, Gannon, Glick, Hornblower, Leonard, Levey, Maloney, Mayo, McMurray, Meehan, Miller, George P., Millington, Morgan, O'Donnell, Patterson, Pelletier, Peyser, Richie, Rosenthal, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Walker, Weber, Williamson, Yorty, and Mr. Speaker.—41.

The question being on the substitute motion by Mr. Cottrell.

Substitute motion carried by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Call, Cassidy, Clark, Cottrell, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hornblower, Hunt, Johnson, Kepple, Laughlin, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Miller, Eleanor; Miller, George P., Millington, Morgan, Patterson, Peek, Peyser, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Turner, Walker, Weber, Welsh, Williamson, Yorty, and Mr. Speaker.—57.

NOES—Heisinger, Kuchel, and Watson—3.

**Charges by Mr. Yorty Considered in Committee of the Whole.**

Pursuant to the substitute motion by Mr. Cottrell, the charges by Mr. Yorty were considered in the Committee of the Whole.

**Further Consideration of House Resolution No. 8.**

**House Resolution No. 8**—Requesting investigation of petition against Revenue Bond Act.

**Demand for Previous Question.**

Messrs. Hunt, Lyon, Stream, Latham, and Andreas demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of House Resolution No. 8.

The roll was called, and House Resolution No. 8 refused adoption by the following vote:

AYES—Burns, Hugh M., Burns, Michael J., Clark, Donnelly, Garland, Gilbert, Heisinger, Lore, Patterson, Richie, Rosenthal, Tenney, and Yorty—13.

NOES—Andreas, Baynham, Beene, Boyle, Breed, Call, Cassidy, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Fulcher, Gannon, Glick, Hunt, Johnson, Kepple, Kuchel, Latham, Laughlin, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Millington, Morgan, Muldoon, Peyser, Redwine, Robertson, Sawallisch, Scudder, Sheehan, Stream, Thorp, Walker, Watson, Weber, Welsh, Williamson, and Mr. Speaker—47.

**Consideration of Senate Constitutional Amendment No. 2.**

**Senate Constitutional Amendment No. 2**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding a new section numbered 11 to Article XVI thereof, relating to the transfer of all activities of the Relief Administration, including the Relief Commission and the Relief Administrator, to the Department of Social Welfare.

Senate Constitutional Amendment No. 2 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, Kuchel, Levey, Lore, Lyon, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Peyser, Richie, Robertson, Sawallisch, Scudder, Sheehan, Stream, Tenney, Thorp, Voigt, Walker, Watson, Weber, Welsh, and Yorty—56.

NOES—Cottrell, Maloney, Morgan, and Williamson—4.

Title read and approved. Bill ordered transmitted to the Senate.

### Senate Messages.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Bill No. 23.

Assembly Bill No. 24.

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

Assembly Bill No. 23 ordered on unfinished business calendar.

Consideration of Senate Amendment to Assembly Bill No. 24.

**Assembly Bill No. 24**—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 24?

#### Amendment No. 1.

On page 1, line 18, of the printed bill, as amended, strike out "750,000", and insert in lieu thereof "\$400,000".

#### Amendment No. 2.

On page 1, line 29, of the printed bill, as amended, strike out "five million".

#### Amendment No. 3.

On page 2, line 1, of the printed bill, as amended, strike out "two hundred fifty", and insert in lieu thereof "four million nine hundred".

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 24 by the following vote:

AYES—Baynham, Beene, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, Kuchel, Levey, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Morgan, George P., Millington, Morgan, Muldoon, Patterson, Peek, Pelletier, Peyser, Richie, Rosenthal, Sawallisch, Seudder, Sheehan, Stream, Tenney, Voigt, Walker, Watson, Weber, Welsh, Williamson, and Yorty—54.

NOES—Garland, and Lore—2.

Assembly Bill No. 24 ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

Senate Bill No. 4.

And requests that your honorable body recede therefrom.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

Consideration of Assembly Amendments to Senate Bill No. 4.

**Senate Bill No. 4**—An act to add section 508 to the Streets and Highways Code, relating to State highways.

The question being put: Shall the Assembly recede from the Assembly amendments to Senate Bill No. 4?

The roll was called, and the Assembly refused to recede from its amendments to Senate Bill No. 4 by the following vote:

AYES—None.

NOES—Andreas, Baynham, Beene, Breed, Burns, Michael J., Cassidy, Clark, Cottrell, Crowley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Leonard, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Morgan, Muldoon, Patterson, Pelletier, Peyser, Richie, Sawallisch, Seudder, Sheehan, Stream, Tenney, Thorp, Walker, Weber, Welsh, Williamson, and Yorty—52.

**Appointment of Committee on Free Conference Concerning Senate Bill No. 4.**

The Speaker announced the appointment of Messrs. Seudder, Sawallisch and Morgan, as a Committee on Free Conference concerning Senate Bill No. 4.

### Consideration of Assembly Bill No. 21.

**Assembly Bill No. 21**—An act to amend the Welfare and Institutions Code by adding section 103.5 thereto, relating to the establishment of personnel standards in the administration of aid to the needy aged, the needy blind and needy children, providing for the enforcement thereof, declaring the urgency thereof, and providing that this act shall take effect immediately.

#### Call of the Assembly.

Pending the announcement of the vote, Mr. Lore moved a call of the Assembly.

Motion carried. Time, eleven o'clock and forty minutes a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in all absent members.

### Proceedings Under Call of the Assembly by Unanimous Consent. Senate Message.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

**Senate Joint Resolution No. 5**—Relative to memorializing the President and the Congress of the United States to enact H. R. No. 9256, relative to reimbursement by the Federal Government to States and counties for expenditures in behalf of nonresidents.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

#### Request for Unanimous Consent.

Mr. Clark asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 5, at this time, without reference to calendar.

### Consideration of Senate Joint Resolution No. 5.

**Senate Joint Resolution No. 5**—Relative to memorializing the President and the Congress of the United States to enact H. R. No. 9256, relative to reimbursement by the Federal Government to States and counties for expenditures in behalf of nonresidents.

Senate Joint Resolution No. 5 read, and adopted by the following vote:

**AYES**—Andreas, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Leonard, Levey, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor, Miller, George P., O'Donnell, Patterson, Peek, Pelletier, Peyser, Richie, Rosenthal, Sheehan, Stream, Tenney, Thorp, Turner, Walker, Watson, Weber, Welsh, Williamson, and Yorty—55.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Third Reading of Senate Bills—(Resumed).

**Senate Joint Resolution No. 3**—Relative to memorializing Secretary of Agriculture Henry A. Wallace.

Senate Joint Resolution No. 3 read, and adopted by the following vote:

**AYES**—Andreas, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Cottrell, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, King, Leonard, Levey, Lore, Maloney, Mayo, McMurray, Miller, Eleanor; Miller, George P., O'Donnell, Patterson, Pelletier, Peyser, Richie, Robertson, Rosenthal, Sheehan, Stream, Tenney, Turner, Voigt, Walker, Weber, Williamson, and Yorty—47.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.



**Senate Messages.**

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Assembly Concurrent Resolution No. 18.

Assembly Joint Resolution No. 9.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

The above reported bills ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Concurrent Resolution No. 9—Relative to fire hazards along the State highways.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

Request for Unanimous Consent.

Mr. Turner asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 9 at this time, without reference to calendar.

Consideration of Senate Concurrent Resolution No. 9.

**Senate Concurrent Resolution No. 9**—Relative to fire hazards along the State highways.

Senate Concurrent Resolution No. 9 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Breed, Call, Cassidy, Clark, Crowley, Dannenbrink, Dawson, Donihue, Donnelly, Fulcher, Gannon, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Leonard, Levey, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Patterson, Peck, Pelletier, Peyser, Rosenthal, Sheehan, Stream, Tenney, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Williamson, and Yorty—50.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Joint Resolution No. 6—Relative to urging the enactment of House of Representatives Bill No. 8430 now pending in the Congress of the United States, providing for Federal aid in the construction of the "T" tunnel project at San Pedro Harbor.

Senate Joint Resolution No. 7—Relative to memorializing the President and Congress to provide all necessary aids to night air navigation.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

Request for Unanimous Consent.

Mr. Peek asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 6, at this time, without reference to calendar.

Consideration of Senate Concurrent Resolution No. 9.

**Senate Joint Resolution No. 6**—Relative to urging the enactment of House of Representatives Bill No. 8430 now pending in the Congress of the United States, providing for Federal aid in the construction of the "T" tunnel project at San Pedro Harbor.

Senate Joint Resolution No. 6 read, and adopted by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Clark, Dawson, Donnelly, Fulcher, Gannon, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Kepple, King, Kuchel, Latham, Leonard, Levey, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Patterson, Peck, Pelletier, Peyser, Richie, Rosenthal, Sheehan, Stream, Tenney, Thorp, Turner, Walker, Watson, Weber, Williamson, and Yorty—48.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Request for Unanimous Consent.**

Mr. Hornblower asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 7, at this time, without reference to calendar.

**Consideration of Senate Joint Resolution No. 7.**

**Senate Joint Resolution No. 7**—Relative to memorializing the President and Congress to provide all necessary aids to night air navigation.

Senate Joint Resolution No. 7 read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Michael J., Call, Clark, Crowley, Dannenbrink, Dawson, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Leonard, Levey, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Patterson, Pelletier, Peyser, Richie, Robertson, Rosenthal, Sheehan, Stream, Tenney, Thorp, Turner, Walker, Watson, Weber, Williamson, and Yorty—52.

Title read and approved. Bill ordered transmitted to the Senate.

**Third Reading of Senate Bills—(Resumed).**

**Senate Concurrent Resolution No. 7**—Relative to a Commission on Intergovernmental Cooperation.

Senate Concurrent Resolution No. 7 read, and adopted by the following vote:

**AYES**—Andreas, Beene, Boyle, Burns, Michael J., Call, Cassidy, Clark, Crowley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Leonard, Levey, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, O'Donnell, Patterson, Peek, Pelletier, Peyser, Richie, Robertson, Rosenthal, Sheehan, Stream, Tenney, Thorp, Turner, Walker, Watson, Weber, Welsh, Williamson, and Yorty—53.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Senate Joint Resolution No. 1**—Relative to memorializing Congress in relation to California's opposition to reciprocal trade agreements concerning agricultural products.

Senate Joint Resolution No. 1 read, and adopted by the following vote:

**AYES**—Andreas, Beene, Boyle, Call, Cassidy, Crowley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Levey, Lore, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Patterson, Pelletier, Peyser, Richie, Robertson, Rosenthal, Sheehan, Stream, Tenney, Thorp, Turner, Walker, Watson, Weber, Welsh, and Yorty—49.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Senate Message.**

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

**Assembly Bill No. 25.**

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

**Consideration of Senate Amendments to Assembly Bill No. 25.**

**Assembly Bill No. 25**—An act making an appropriation to the emergency fund specified in Item 189 of section 1 of an act entitled "An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the gen-

eral election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 4, 1937, for the purposes therein specified.

The question being put: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 25?

**Amendment No. 1.**

On page 2, line 17, of the printed bill, strike out "three", and insert in lieu thereof the following: "six".

**Amendment No. 2.**

On page 2 of the printed bill, after line 21, insert the following:

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Unprecedented floods, resulting in loss of life and damage to property, coupled with increasing destitution due to and caused by unemployment, have augmented demands upon agencies of the State, which can not be met from existing appropriations, and therefore appropriation of additional moneys for the effective operations of such agencies is imperative."

**Amendment No. 3.**

On page 2, line 3, of the printed bill, strike out "\$2,000,000", and insert in lieu thereof the following: "\$5,000,000".

**Amendment No. 4.**

On page 1, line 10 of the title of the printed bill, after the word "specified", insert a comma and the following: "declaring the urgency thereof and providing that this act shall take effect immediately".

**Amendment No. 5.**

On page 2, line 7, of the printed bill, as amended, after the word "of", insert the following: "property".

**Amendment No. 6.**

On page 2, line 7, of the printed bill, as amended, strike out the word "property", and insert in lieu thereof the words: "county roads and bridges the repair of".

The roll was called, and the Assembly concurred in the Senate amendments and adopted the urgency clause to Assembly Bill No. 25 by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Call, Cassidy, Crowley, Daley, Dannenbrink, Dawson, Desmond, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuehl, Leonard, Levey, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, Patterson, Pelletier, Peyser, Redwine, Robertson, Rosenthal, Sawalisch, Sheehan, Stream, Tenney, Thorp, Walker, Watson, Weber, Welsh, Williamson, and Yorty—54.

**NOES**—None.

Assembly Bill No. 25 ordered to enrollment.

**Third Reading of Assembly Bills—(Resumed).**

**Assembly Joint Resolution No. 10**—Relative to memorializing Congress to enact, and the President to approve, the proposed General Welfare Act.

Assembly Joint Resolution No. 10 read, and adopted by the following vote:

**AYES**—Andreas, Baynham, Call, Cassidy, Daley, Dannenbrink, Dawson, Desmond, Donnelly, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, King, Latham, Levey, Lore, Maloney, McMurray, Meehan, Miller, George P., Morgan, O'Donnell, Patterson, Pelletier, Peyser, Redwine, Richie, Rosenthal, Sawalisch, Scudder, Sheehan, Stream, Tenney, Turner, Walker, Watson, Weber, and Yorty—43.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Consideration of Senate Amendments to Assembly Bill No. 23.**

**Assembly Bill No. 23**—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced

in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 23?

**Amendment No. 1.**

On page 2, line 4, of the printed bill, strike out the period, and insert in lieu thereof, "or milk products."

**Amendment No. 2.**

On page 3 of the printed bill, strike out all of line 46, and insert in lieu thereof the following: "cooperative marketing association may sign such petition for its members if expressly authorized so to do by an instrument in writing".

**Amendment No. 3.**

On page 4 of the printed bill, strike out all of lines 1 to 13, inclusive, and insert in lieu thereof the following:

"In the case of horticultural or viticultural products each producer shall be entitled to sign for the number of producing factors specified in the petition, which he produced or possessed during the preceding season, or in the case of vegetable products or livestock and poultry and their products, the producing factor shall be based upon the actual acreage planted or livestock owned or the products thereof produced at the time he signs the petition."

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 23 by the following vote:

**AYES**—Andreas, Baynham, Boone, Breed, Call, Cassidy, Crowley, Daley, Dammbrink, Dawson, Desmond, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, Kuechel, Latham, Leonard, Levey, Maloney, McMurray, Meehan, Miller, George P. Millington, Morgan, Muldoon, O'Donnell, Patterson, Pelletier, Peyser, Redwine, Richie, Rosenthal, Sawallisch, Scudder, Sheehan, Stream, Turner, Walker, Watson, and Williamson—50.

**NOES**—Burns, Michael J., and Yorty—2.

Assembly Bill No. 23 ordered to enrollment.

**Report of Committee on Free Conference.**

The following report of Committee on Free Conference was received and read:

**Concerning Senate Bill No. 4.**

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

**MR. SPEAKER:** Your Committee on Free Conference concerning

**Senate Bill No. 4.**

Reports that it has met a like committee of the Senate, consisting of Senators Slater, Knowland and Jespersen, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

**Amendment No. 1.**

On page 1, line 7, of the printed bill, as amended, strike out "and", and insert "or".

**Amendment No. 2.**

On page 1, line 8, of the printed bill, as amended, strike out "public nonprofit foundation.", and insert in lieu thereof the following: "a nonprofit corporation formed under the laws of the State of California mainly for the purpose of aiding, assisting and treating the ill and afflicted; provided further that the State shall



not expend in excess of fifteen thousand dollars for the construction and repair of said road.

SLATER,  
JESPERSEN,  
KNOWLAND.

Senate Free Conference Committee.

MORGAN,  
SCUDDER,  
SAWALLISCH.

Free Conference Committee.

The roll was called, and the report of the Committee on Free Conference concerning Senate Bill No. 4, adopted by the following vote:

AYES—Andreas, Baynham, Beene, Burns, Michael J., Call, Cassidy, Clark, Crowley, Daley, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fuleher, Gannon, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Kepple, King, Kuebel, Latham, Levey, Lore, Maloney, McMurray, Meehan, Miller, Eleanor; Millington, Morgan, Muldoon, Patterson, Pelletier, Peyser, Rosenthal, Sawallisch, Seudder, Stream, Tenney, Thorp, Turner, Walker, Weber, Welsh, Williamson, and Yorty—50.

NOES—Breed, Dannenbrink, Garland, Johnson, Leonard, Mayo, Miller, George P., Peck, and Watson—9.

### Senate Joint Resolution No. 2 Withdrawn and Stricken from Calendar.

On motion of Mr. Andreas, Senate Joint Resolution No. 2 was ordered withdrawn and stricken from the calendar.

### Resolution.

The following resolution was offered:

By Messrs. Lyon and Hornblower:

#### House Resolution No. 65.

Relative to the study and investigation of the cost of aid to the aged.

WHEREAS, It is necessary that the aged be adequately cared for; and

WHEREAS, The counties of this State are claiming that they are unable to bear the burden of the cost thereof, thus endangering the entire system of aid to the aged and the Federal grants-in-aid in support thereof; now, therefore, be it

*Resolved by the Assembly of the State of California*, That the Speaker of the Assembly shall appoint five members of the Assembly, who shall constitute the Assembly Legislative Interim Committee on Aid to the Aged, which committee shall investigate and study adequately and in detail the entire cost of aid to the aged, the State and county finances and revenues necessary to defray the costs thereof and the feasibility of transferring the entire costs thereof to the State without county contributions; and be it further

*Resolved*, That such committee upon the appointment of its members shall organize, and that such committee may appoint a secretary and may employ such clerical and technical assistance and adopt such rules as it in its discretion deems necessary and proper to enable it to carry out to full force and effect the powers granted and the duties imposed herein; and be it further

*Resolved*, That all officers of this State and the heads of each and every department, agency and subdivision thereof, and all employees of such departments, agencies and subdivisions, shall give and furnish to such committee upon request, such information, records and documents as the committee deems necessary or proper for the achievement of the purposes for which it was created; and be it further

*Resolved*, That such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and be it further

*Resolved*, That the members of such committee are, and that each of them is hereby authorized and empowered to administer oaths, and that all the provisions of Article VIII of Chapter II, Title I, Part III of the Political Code relative to the attendance and examination of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution; and be it further

*Resolved*, That the sergeant-at-arms designated by the committee shall serve any and all subpoenas, orders and other process that may be issued by such committee, when directed so to do by the committee or by the chairman thereof, and to do and perform any other service required of him by such committee or the chairman thereof; and be it further

*Resolved*, That such committee is hereby authorized and empowered to make a complete investigation and study of all the matters and subjects hereinbefore referred to and relating thereto, and to do any and all things necessary and proper in connection therewith, and to do and perform each and all of the things necessary or convenient to enable it to exercise the powers and perform the duties heretofore granted to it or imposed upon it; and be it further

*Resolved*, That such committee may exercise its powers and perform its duties during the sessions of the Legislature and after its adjournment sine die at such times and places as the committee determines and shall make its report and recommend such legislation as it deems desirable to the fifty-third session of the Legislature prior to its adjournment for the constitutional recess in 1939; and be it further

*Resolved*, That for the purpose of paying the expenses of such committee in connection with the powers granted and duties imposed by this resolution and for paying the expenses of the necessary assistants of such committee the sum of \$500 is hereby appropriated, from the contingent fund of the Assembly, or any other money available by law, to be dispersed after certification by the chairman upon warrants drawn by the Controller upon the State Treasurer.

House Resolution No. 65 read, and adopted by the following vote:

AYES—Andreas, Baynham, Boyle, Breed, Burns, Michael J., Call, Cassidy, Daley, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Gilbert, Glick, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Muldoon, Patterson, Pelletier, Peyser, Redwine, Sawallisch, Scudder, Sheehan, Stream, Tenney, Turner, Walker, Weber, Welsh, Williamson, Yorty, and Mr. Speaker—51.

NOES—Lore—1.

### Consideration of House Resolution No. 50.

**House Resolution No. 50**—Requesting Governor to fill vacancies on Fish and Game Commission.

House Resolution No. 50 read, and adopted by the following vote:

AYES—Andreas, Baynham, Breed, Burns, Michael J., Cassidy, Clark, Crowley, Daley, Dannenbrink, Dawson, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Miller, Eleanor; Morgan, Muldoon, Patterson, Peek, Pelletier, Redwine, Robertson, Scudder, Sheehan, Tenney, Turner, Walker, Watson, Weber, Welsh, Williamson, and Mr. Speaker—49.

NOES—Yorty—1.

### Consideration of House Resolution No. 52.

**House Resolution No. 52**—State assumption of old age security cost.

House Resolution No. 52 read, and refused adoption by the following vote:

AYES—Andreas, Daley, Dilworth, Garland, Heisinger, Lore, Mayo, Meehan, Miller, Eleanor; Robertson, Scudder, Stream, Thorp, and Turner—14.

NOES—Breed, Clark, Dannenbrink, Dawson, Desmond, Donnelly, Gannon, Gilbert, Glick, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Levey, Lyon, Maloney, McMurray, Miller, George P., Morgan, Patterson, Reaves, Tenney, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—50.

**Motion to Recall Assembly Bill No. 23 from Enrollment, and Expunge Record and Rescind Action.**

Mr. O'Donnell moved to recall Assembly Bill No. 23 from enrollment, and to expunge the record and rescind the action, whereby the Assembly, on this day, concurred in the Senate Amendments.

Assembly Bill No. 23 recalled from enrollment, the record expunged and the action rescinded by the following vote:

AYES—Andreas, Baynham, Boyle, Breed, Call, Cassidy, Clark, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fulcher, Gannon, Garland, Glick, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Leonard, Levey, Lore, Lyon, Maloney, McMurray, Meehan, Miller, Eleanor; Miller, George P., Morgan, Muldoon, O'Donnell, Patterson, Peek, Reaves, Redwine, Robertson, Rosenthal, Scudder, Stream, Tenney, Thorp, Turner, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—54.

NOES—None.

### Consideration of Senate Amendments to Assembly Bill No. 23.

**Assembly Bill No. 23**—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission; fixing the term of office of the members of said com-

mission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 23?

**Amendment No. 1.**

On page 2, line 4, of the printed bill, strike out the period, and insert in lieu thereof, "or milk products."

**Amendment No. 2.**

On page 3 of the printed bill, strike out all of line 46, and insert in lieu thereof the following: "cooperative marketing association may sign such petition for its members if expressly authorized so to do by an instrument in writing".

**Amendment No. 3.**

On page 4 of the printed bill, strike out all of lines 1 to 13, inclusive, and insert in lieu thereof the following:

"In the case of horticultural or viticultural products each producer shall be entitled to sign for the number of producing factors specified in the petition, which he produced or possessed during the preceding season, or in the case of vegetable products or live stock and poultry and their products, the producing factor shall be based upon the actual acreage planted or live stock owned or the products thereof produced at the time he signs the petition."

The roll was called, and the Assembly refused to concur in the Senate amendments to Assembly Bill No. 23 by the following vote:

**AYES—None.**

**NOES—**Andreas, Baynham, Boyle, Burns, Michael J., Call, Cassidy, Clark, Crowley, Daley, Dannenbrink, Dawson, Desmond, Dilworth, Donihue, Donnelly, Fuleher, Gannon, Garland, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuebel, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Morgan, Muldoon, O'Donnell, Patterson, Peek, Pelletier, Reaves, Redwine, Robertson, Rosenthal, Scudder, Stream, Tenney, Thorp, Turner, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—59.

**Further Proceedings Under Call of the Assembly Dispensed With.**

On motion of Mr. Lore further proceedings under the call of the Assembly were dispensed with.

The roll was called, and Assembly Bill No. 21 passed by the following vote:

**AYES—**Andreas, Baynham, Boyle, Burns, Michael J., Clark, Cottrell, Daley, Dannenbrink, Dilworth, Donihue, Flint, Gannon, Gilbert, Glick, Hawkins, Hunt, Johnson, Kepple, King, Kuebel, Latham, Lore, Miller, Eleanor; Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Richie, Robertson, Rosenthal, Stream, Turner, Voigt, Walker, Watson, Welsh, Yorty, and Mr. Speaker—41.

**NOES—**Beene, Breed, Burns, Hugh M., Call, Cassidy, Crowley, Dawson, Donnelly, Fuleher, Garibaldi, Garland, Heisinger, Hornblower, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, George P., Millington, O'Donnell, Peyser, Sawallisch, Scudder, Sheehan, Tenney, Thorp, Weber, and Williamson—31.

Title read and approved. Bill ordered transmitted to the Senate.

**Senate Messages.**

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day respectfully refused to recede from its amendments to:

**Assembly Bill No. 23.**

And appointed Senators Phillips, Crittenden, and Garrison, as a Committee on Free Conference to meet a like committee from the Assembly.

J. A. BEEK, Secretary of the Senate.

By F. ALFRED BLATZ, Assistant Secretary.



**Appointment of Committee on Free Conference Concerning  
Assembly Bill No. 23.**

The Speaker announced the appointment of Messrs. O'Donnell, Garland and Desmond as a Committee on Free Conference concerning Assembly Bill No. 23.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

**Assembly Bill No. 31.**

**Assembly Joint Resolution No. 14.**

**Assembly Joint Resolution No. 15.**

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

The above reported bills ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference concerning:

**Senate Bill No. 4.**

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

**Senate Constitutional Amendment No. 2.**

J. A. BEEK, Secretary of the Senate.

By F. ALFRED BLATZ, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

**Assembly Bill No. 20.**

**Assembly Bill No. 8.**

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

**Consideration of Senate Amendments to Assembly Bills.**

**Assembly Bill No. 20**—An act relating to lands owned by the State; reserving all minerals and all oil and gas in State lands; providing for prospecting for and taking such minerals and for the extraction and removal of oil and gas therefrom; providing for the acquisition by purchase or condemnation of interests in privately owned lands to facilitate the operations provided for or contemplated by this act; creating a State Lands Commission, prescribing its powers and duties, and transferring to and vesting in the State Lands Commission the administration of and jurisdiction over State lands; repealing acts or parts of acts in conflict herewith; and making an appropriation.

The question being put: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 20?

**Amendment No. 1.**

On page 16, of the printed bill, as amended, strike out all of lines 50 to 52, inclusive, and on page 17, strike out all of lines 1 to 12, inclusive.

**Demand for Previous Question.**

Messrs. Morgan, Mayo, Stream, Reaves and Andreas demanded the previous question.

Demand for previous question sustained.

The question being on the concurrence in the Senate amendment to Assembly Bill No. 20.

The roll was called, and the Assembly concurred in the Senate amendment to Assembly Bill No. 20 by the following vote:

**AYES**—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M. Call, Cassidy, Crowley, Daley, Dannenbrink, Desmond, Donihue, Flint, Fuleher, Garibaldi, Garland, Glick, Hornblower, Hunt, Kepple, Kuechel, Latham, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Miller, Eleanor; Millington, Morgan, Muldoon, Redwine,



Robertson, Sawallisch, Scudder, Stream, Thorp, Walker, Watson, Weber, Welsh, and Mr. Speaker—44.

NOES—Burns, Michael J., Clark, Dilworth, Donnelly, Gannon, Gilbert, Hawkins, Heisinger, Johnson, Lore, Miller, George P., O'Donnell, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Voigt, and Yorty—20.

Assembly Bill No. 20 ordered to enrollment.

**Explanation of Vote on Assembly Bill No. 20.**

This bill now before us is, I believe, as vicious an oil measure as has ever been before the people of California. It practically takes from the people the privilege of approving the Olson Bill to save the oil of Huntington Beach. California will lose millions because of this legislation.

S. L. HEISINGER.

**Assembly Bill No. 8**—An act to amend section 92 of the Agricultural Code, relating to county and district agricultural fairs.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 8?

**Amendment No. 1.**

On page 1 of the printed bill, as amended, strike out line 26, and insert in lieu thereof the following: "of section 4041.18 of the Political Code."

**Amendment No. 2.**

On page 2 of the printed bill, as amended, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following: "The county auditor or secretary".

**Amendment No. 3.**

On page 2 of the printed bill, as amended, strike out lines 20 to 23, inclusive, and insert in lieu thereof the following: "from the first fair held after said period. Any fair may pay premiums in an amount".

**Amendment No. 4.**

On page 2, line 6, of the printed bill, strike out the words "All moneys", and insert in lieu thereof the word "Moneys".

**Amendment No. 5.**

On page 2, line 8, of the printed bill, after the word "shall", insert the word "not".

**Amendment No. 6.**

On page 2, line 25, of the printed bill, as amended, after "period.", insert the following: "In no event, however, shall any fair receive in one year an amount greater than the maximum base plus the maximum increase for a five year period."

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 8 by the following vote:

AYES—Andreas, Baynham, Beene, Boyle, Breed, Burns, Hugh M., Burns, Michael J., Call, Cassidy, Clark, Crowley, Daley, Dannenbrink, Desmond, Dilworth, Donibue, Donnelly, Flint, Fulcher, Gannon, Garibaldi, Garland, Gilbert, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, King, Kuchel, Latham, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor, Miller, George P., Millington, Muldoon, O'Donnell, Patterson, Pelletier, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Stream, Thorp, Turner, Voigt, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—64.

NOES—Peek, and Tenney—2.

Assembly Bill No. 8 ordered to enrollment.

**Resolution.**

The following resolution was offered:

By Messrs. Garland and Turner:

**House Resolution No. 66.**

Relative to work on Central Valley Project.

WHEREAS, Congress has recently made an appropriation of moneys to be used in the construction of the Central Valley Project; and

WHEREAS, This appropriation removes a major obstacle in the way towards completion of the project, and obviates all reason for further delaying work thereon; and

WHEREAS, Although work has been under way on Shasta Dam, Construction Engineer Walker R. Young, in his call for bids in March, made a statement in favor of broader construction thereon; and

WHEREAS, That part of the project to be located in the San Joaquin Valley would be a boon to the residents of that region; now, therefore, be it

Resolved by the Assembly of the State of California, That, in view of the recent Federal appropriation for the Central Valley Project, many of the obstacles

prohibiting the completion of the project have been overcome, and no reason for further delaying the work can be seen; and be it further

*Resolved*, That the delay in completing the project and particularly that portion of the project to be located in the San Joaquin Valley is deplorable and is definitely restricting the progress of the people who will be benefited thereby; and be it further

*Resolved*, That Secretary of the Interior Harold L. Ickes is hereby requested to order that all work upon the Central Valley Project be speeded up, that the immediate construction of the Friant Dam be undertaken, and that negotiations be instituted for water rights and rights-of-way during the construction thereof; and be it further

*Resolved*, That a copy of this resolution be forwarded immediately by the Chief Clerk of the Assembly to Secretary of the Interior Harold L. Ickes.

House Resolution No. 66 read, and adopted by the following vote:

AYES—Andreas, Beene, Boyle, Breed, Burns, Michael J., Call, Cassidy, Clark, Cottrell, Crowley, Daley, Dannenbrink, Dawson, Desmond, Donibue, Donnelly, Flint, Fulcher, Garland, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, King, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Morgan, Muldoon, Patterson, Peek, Pelletier, Reaves, Redwine, Robertson, Rosenthal, Tenney, Thorp, Turner, Walker, Watson, Weber, Welsh, Yorty, and Mr. Speaker—54.

NOES—None.

### Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read:

#### Concerning Assembly Bill No. 23.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: Your Committee on Free Conference concerning Assembly Bill No. 23—An act to amend an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purpose of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, as amended, by amending sections 2, 8, 9, 10, 13, 18, 19.1, 22 and 22.5, all relating to the institution and enforcement of agricultural proration programs; and to declare the urgency of this act, and that this act shall take effect immediately;

Reports that it has met a like committee of the Senate, consisting of Senators Phillips, Garrison and Crittenden, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended to read as follows:

#### Amendment No. 1.

On page 3, line 47, of the printed bill, as amended on March 12th, strike out the period, and insert the following: "signed by the member."

CRITTENDEN.

GARRISON.

PHILLIPS.

O'DONNELL.

GARLAND.

DESMOND.

Senate Free Conference Committee.

Assembly Free Conference Committee.

The roll was called, and the report adopted by the following vote:

AYES—Andreas, Baynham, Boyle, Burns, Hugh M., Call, Cassidy, Crowley, Daley, Dannebrink, Desmond, Dilworth, Donihue, Donnelly, Flint, Fulcher, Gannon, Garland, Glick, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Kepple, Kuchel, Latham, Leonard, Levey, Lore, Lyon, Maloney, Mayo, McMurray, Meehan, Miller, Eleanor; Miller, George P., Millington, Morgan, Muldoon, O'Donnell, Robertson, Sawallisch, Scudder, Stream, Thorp, Turner, Voigt, Walker, Watson, Weher, and Mr. Speaker—51.

NOES—King, Patterson, Pelletier, Reaves, Tenney, and Yorty—6.

### Senate Message.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference concerning:

Assembly Bill No. 23.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.

Assembly Bill No. 23 ordered to reprint, and enrollment.

### Resolution.

The following resolutions were offered:

By Mr. Johnson:

#### House Resolution No. 67.

WHEREAS, The administration of the California Minimum Wage Law for Women and Minors is vested by statute in a commission to be composed of five members known as the Industrial Welfare Commission; and

WHEREAS, The terms of four of the five members of the said Industrial Welfare Commission, being more than a majority thereof, have expired, some of them as long ago as January 15, 1935; and

WHEREAS, The said Industrial Welfare Commission has not held a meeting since July 26, 1935; and

WHEREAS, This Assembly, on March 31, 1937, adopted without dissent, House Resolution No. 121 calling upon the Governor of the State of California to fill out the membership of said commission immediately; and

WHEREAS, No appointments have been made since the adoption of said resolution, and it would be conducive to the effective administration of California's Minimum Wage Law to have the full complement of the Industrial Welfare Commission appointed and in a position to hold meetings; now, therefore, be it

*Resolved, by the Assembly of the State of California,* That it hereby reaffirms its position as stated in the House Resolution No. 121 of March 31, 1937; and be it further

*Resolved,* That the Governor of the State of California be and he is hereby requested to appoint immediately four members to the Industrial Welfare Commission, thereby filling out the membership thereof so as to place the commission in a position to operate effectively, to hold meetings and to administer diligently the California Minimum Wage Law for Women and Minors in accordance with the powers and duties with which it has been charged under the laws of the State of California.

#### Request for Unanimous Consent.

Mr. Johnson asked for, and was granted, unanimous consent to take up House Resolution No. 67, at this time, without reference to calendar.

House Resolution No. 67 read and adopted.

By Mr. Voigt:

#### House Resolution No. 68.

Relative to flood control in Venice and Culver City.

WHEREAS, The recent rains and floods in the vicinity of Venice and Culver City, both located in southern California, resulted in property damage and loss which has been conservatively estimated at many millions of dollars; and

WHEREAS, Most, if not all, of the damage and loss could have been averted had there been an adequate and sufficient system of flood control in the region; and

WHEREAS, The construction of an adequate and sufficient flood control system by Venice and Culver City is impossible in view of their slender financial resources; now, therefore, be it

*Resolved, by the Assembly of the State of California,* That the Congress of the United States is hereby respectfully urged to make an immediate appropriation of funds for the construction of a flood control system in the Culver City and Venice region and to direct and authorize the Engineering Corps of the United States Army to assume charge of such construction; and be it further

*Resolved,* That a copy of this resolution be sent to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each of the Senators and Representatives of the State of California in Congress.

#### Request for Unanimous Consent.

Mr. Voigt asked for, and was granted, unanimous consent to take up House Resolution No. 68, at this time, without reference to calendar.

House Resolution No. 68 read and adopted.

#### Consideration of House Resolution No. 64.

**House Resolution No. 64**—Relating to purchase of auto ferries on San Francisco Bay.

#### Demand for Previous Question.

Messrs. Kuehel, Lyon, Andreas, Latham and Mrs. Daley demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of House Resolution No. 64.

**Motion to Adjourn.**

Mr. Levey moved that the Assembly do now adjourn.

Motion to adjourn lost by the following vote:

**AYES**—Baynham, Beene, Breed, Call, Corwin, Crowley, Daley, Desmond, Flint, Fulcher, Gannon, Hornblower, Latham, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Millington, Muldoon, Redwine, Sawallisch, Thorp, Voigt, Weber, and Williamson—27.

**NOES**—Andreas, Burns, Michael J., Cassidy, Clark, Dannenbrink, Dilworth, Donihue, Donnelly, Gilbert, Hawkins, Heisinger, Hunt, Johnson, Kepple, King, Kuchel, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Patterson, Peek, Pelletier, Reaves, Richie, Robertson, Rosenthal, Scudder, Stream, Tenney, Turner, Walker, Watson, Yorty, and Mr. Speaker—35.

**Motion to Table House Resolution No. 64.**

Mr. Levey moved that House Resolution No. 64 be laid upon the table.

Motion to table lost by the following vote:

**AYES**—Andreas, Baynham, Beene, Breed, Call, Daley, Dawson, Flint, Fulcher, Gannon, Hornblower, Hunt, Kepple, Latham, Leonard, Levey, Maloney, Mayo, McMurray, Millington, Morgan, Muldoon, Redwine, Robertson, Sawallisch, Scudder, Thorp, Walker, Weber, and Mr. Speaker—30.

**NOES**—Boyle, Burns, Michael J., Cassidy, Clark, Corwin, Dannenbrink, Desmond, Dilworth, Donihue, Donnelly, Gilbert, Heisinger, Johnson, King, Kuchel, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Patterson, Peek, Pelletier, Reaves, Richie, Rosenthal, Stream, Tenney, Turner, Voigt, Watson, and Yorty—31.

The question being on the adoption of House Resolution No. 64.

House Resolution No. 64 refused adoption by the following vote:

**AYES**—Burns, Michael J., Cassidy, Clark, Dannenbrink, Dilworth, Donihue, Donnelly, Gilbert, Heisinger, Johnson, King, Meehan, Miller, George P., O'Donnell, Patterson, Peek, Reaves, Richie, Rosenthal, Tenney, Turner, Voigt, and Yorty—23.

**NOES**—Andreas, Baynham, Beene, Boyle, Breed, Call, Corwin, Daley, Dawson, Desmond, Fulcher, Gannon, Hornblower, Hunt, Kepple, Kuchel, Latham, Leonard, Levey, Lyon, Maloney, Mayo, McMurray, Miller, Eleanor; Millington, Morgan, Muldoon, Redwine, Robertson, Scudder, Stream, Walker, Watson, Weber, and Mr. Speaker—35.

**Senate Messages.**

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returns without further action the following:

Assembly Bill No. 10.

Assembly Bill No. 30.

Assembly Bill No. 21.

Assembly Bill No. 32.

Assembly Bill No. 22.

Assembly Bill No. 34.

Assembly Bill No. 28.

Assembly Concurrent Resolution No. 1.

Assembly Concurrent Resolution No. 8.

Assembly Concurrent Resolution No. 11.

Assembly Concurrent Resolution No. 15.

Assembly Concurrent Resolution No. 16.

Assembly Concurrent Resolution No. 17.

Assembly Joint Resolution No. 3.

Assembly Joint Resolution No. 10.

Assembly Joint Resolution No. 7.

Assembly Joint Resolution No. 11.

Assembly Joint Resolution No. 8.

Assembly Joint Resolution No. 13.

J. A. BEEK, Secretary of Senate.

By HOWARD S. MCINTYRE, Assistant Secretary.

SENATE CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to the following:

Assembly Bill No. 6.

J. A. BEEK, Secretary of Senate.

By F. ALFRED BLATZ, Assistant Secretary.



### Reports of Standing Committees.

The following report of standing committee was received and read :

#### On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1938.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 1.	Assembly Bill No. 14.
Assembly Bill No. 2.	Assembly Bill No. 15.
Assembly Bill No. 3.	Assembly Bill No. 16.
Assembly Bill No. 4.	Assembly Bill No. 19.
Assembly Bill No. 5.	Assembly Bill No. 20.
Assembly Bill No. 7.	Assembly Bill No. 23.
Assembly Bill No. 8.	Assembly Bill No. 24.
Assembly Bill No. 9.	Assembly Bill No. 25.
Assembly Bill No. 11.	Assembly Bill No. 27.
Assembly Bill No. 12.	Assembly Bill No. 31.
Assembly Bill No. 13.	Assembly Bill No. 33.
Assembly Constitutional Amendment No. 1.	
Assembly Concurrent Resolution No. 9.	
Assembly Concurrent Resolution No. 10.	
Assembly Concurrent Resolution No. 14.	
Assembly Concurrent Resolution No. 18.	
Assembly Joint Resolution No. 1.	Assembly Joint Resolution No. 9.
Assembly Joint Resolution No. 2.	Assembly Joint Resolution No. 12.
Assembly Joint Resolution No. 4.	Assembly Joint Resolution No. 14.
Assembly Joint Resolution No. 5.	Assembly Joint Resolution No. 15.
Assembly Joint Resolution No. 6.	

And reports the same correctly enrolled, and presented to the Governor on this twelfth day of March, 1938, at eleven o'clock and fifty-five minutes a.m.

CUNNINGHAM, Chairman.

#### Guests Extended Privilege of Assembly Floor.

On request of Mr. Morgan, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. Robert McHarg of Santa Monica.

On request of Mr. Kuchel, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Hon. Ted Craig, former Speaker of the Assembly.

#### Committee from the Senate.

Senators Nielsen, DeLap and McBride appeared before the bar of the Assembly and stated that the Senate was now ready to adjourn.

#### Motion to Appoint Special Committee to Wait Upon the Senate.

On motion of Mr. Morgan, the Speaker appointed Messrs. Morgan, Maloney and Lyon as a Special Committee to wait upon the Senate and to inform that body that the Assembly was now ready to adjourn.

#### Motion to Appoint Special Committee to Wait Upon the Governor.

On motion of Mr. Hunt, the Speaker appointed Messrs. Hunt, Dawson and Andreas as a Special Committee to wait upon the Governor, and to inform him that the Assembly was now ready to adjourn.

#### Report of Special Committee.

The Special Committee appointed to wait upon the Governor, appeared before the bar of the Assembly with Hon. Frank F. Merriam, Governor of California.

The Speaker presented the Governor to the Assembly.

#### Approval of Journals.

On motion of Mr. Lyon, the Journals of Monday, March 7, 1938; Tuesday, March 8, 1938; Wednesday, March 9, 1938; Thursday, March 10, 1938; Friday, March 11, 1938; and Saturday, March 12, 1938 were approved as corrected by the Minute Clerk.

**Appointment of Special Interim Committee.**

The Speaker announced the appointment of Messrs. Welsh, Corwin and Glick as a Special Interim Committee for City and County Civil Service Investigation, pursuant to House Resolution No. 27.

**Adjournment Sine Die.**

At twelve o'clock noon, on Saturday, March 12, 1938, in accordance with the provisions of Assembly Concurrent Resolution No. 14, the Honorable William Moseley Jones, Speaker of the Assembly, announced that the time for the final adjournment of the fifty-second (extraordinary) session of the Legislature of the State of California had arrived, and thereupon declared the Assembly adjourned sine die, out of respect to the memory of the late Senator Harry A. Chamberlain.

JAMES G. SMYTH,  
Chief Clerk of the Assembly.

DAVID V. OLIVER,  
Minute Clerk of the Assembly.

WM. MOSELEY JONES,  
Speaker of the Assembly.

HENRY P. MEEHAN,  
Speaker pro tempore of the Assembly.

## ASSEMBLY BILLS APPROVED BY GOVERNOR, CHAPTERED AND FILED WITH THE SECRETARY OF STATE

The following Assembly Bills were approved by the Governor, chaptered and filed with the Secretary of State. Unless otherwise specified, all bills become effective 90 days after adjournment sine die of the Legislature, or on June 11, 1938.

Number	Chapter	Number	Chapter
1	1	13	18
2	2	14	13
3	3	15	14
4	4	16	26
5	23	19	25
7	15	20	5
8	16	23	6
9	19	24	10
11	24	25	11
12	9	31	7

## ASSEMBLY BILLS POCKET VETOED BY THE GOVERNOR

27,      33.

Total----- 2

## ASSEMBLY CONSTITUTIONAL AMENDMENTS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

The following Assembly Constitutional Amendment chaptered, and filed with the Secretary of State will be voted upon at the next general election to be held November 8, 1938.

Number-----	Chapter-----	Author	Subject of Title	Date filed with Secretary of State-----
1	17	Cunningham	Retirement of judges-----	Mar. 16

## ASSEMBLY CONCURRENT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Number	Chapter	Author	Subject of Title	Date filed with Secretary of State
3	3	Maloney	Approving amendment to charter of San Francisco	Mar. 12
4	4	Morgan	Approving amendments to charter of Santa Monica	Mar. 12
5	5	Cottrell	Approving amendments to charter of San Jose	Mar. 12
6	6	McMurray et al.	Golden jubilee anniversary of San Francisco Press Club	Mar. 12
7	7	Latham	Approving amendment to charter of Alhambra	Mar. 16
9	13	Miller, Eleanor	Relative to the death of the Honorable Frank G. Martin	Mar. 16
10	14	Cunningham	Relative to the death of the Honorable Frank J. Waters	Mar. 16
14	31	Morgan et al.	Adjournment sine die, Extraordinary Session of the Legislature	Mar. 16
18	27	Lyon	Validation and affirmation of interim committees	Mar. 16

## ASSEMBLY JOINT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Number	Chapter	Author	Subject of Title	Date filed with Secretary of State
1	10	Crowley	Memorializing Congress to award construction of naval vessels to Pacific Coast shipyards	Mar. 16
2	11	Levey	Accepting permit for construction of Funston Avenue Approach as State highway	Mar. 16
4	32	Kuchel, Watson	Relief of hardship and destitution caused by floods	Mar. 16
5	12	Andreas	Memorializing Congress to make available Federal funds for flood relief	Mar. 16
6	8	Turner	Relative to federal tax on oil	Mar. 16
9	30	Miller, Geo. P.	Memorializing Congress to extend assistance to American Merchant Marine	Mar. 16
12	9	Turner	Memorializing Congress concerning tariff on tungsten	Mar. 16
14	29	Dilworth	Requesting State of Utah to cooperate in preventing marriage of white women and Filipinos	Mar. 16
15	28	Garland	Relative to aliens in America	Mar. 16



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